



Offshore Petroleum and Greenhouse Gas Storage Act 2006

No. 14, 2006

Compilation No. 46

Compilation date: 16 May 2020

Includes amendments up to: Act No. 43, 2020

Registered: 1 July 2020

This compilation is in 3 volumes

Volume 1: sections 1–465
Volume 2: sections 466–791
Volume 3: Schedules
Endnotes

Each volume has its own contents

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Offshore Petroleum and Greenhouse Gas Storage Act 2006* that shows the text of the law as amended and in force on 16 May 2020 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act about petroleum exploration and recovery, and the injection and storage of greenhouse gas substances, in offshore areas, and for other purposes

Chapter 1—Introduction

Part 1.1—Legislative formalities and background

1 Short title

This Act may be cited as the *Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	29 March 2006
2. Sections 3 to 5	A single day to be fixed by Proclamation.	1 July 2008 (<i>see</i> F2008L02273)
3. Parts 1.2, 1.3 and 1.4	At the same time as the provision(s) covered by table item 2.	1 July 2008

Offshore Petroleum and Greenhouse Gas Storage Act 2006

1

Compilation No. 46

Compilation date: 16/05/2020

Registered: 01/07/2020

Section 3

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
4. Chapters 2 to 6	At the same time as the provision(s) covered by table item 2.	1 July 2008
5. Schedules 1, 2, 3, 4 and 5	At the same time as the provision(s) covered by table item 2.	1 July 2008
6. Schedule 6, clauses 1 to 38	At the same time as the provision(s) covered by table item 2.	1 July 2008
7. Schedule 6, clause 39	The day on which this Act receives the Royal Assent.	29 March 2006
8. Schedule 6, clauses 40 to 42	At the same time as the provision(s) covered by table item 2.	1 July 2008

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Object

The object of this Act is to provide an effective regulatory framework for:

- (a) petroleum exploration and recovery; and
- (b) the injection and storage of greenhouse gas substances; in offshore areas.

4 Simplified outline

The following is a simplified outline of this Act:

- This Act sets up a system for regulating the following activities in offshore areas:

Section 4

- (a) exploration for petroleum;
 - (b) recovery of petroleum;
 - (c) construction and operation of infrastructure facilities relating to petroleum or greenhouse gas substances;
 - (d) construction and operation of pipelines for conveying petroleum or greenhouse gas substances;
 - (e) exploration for potential greenhouse gas storage formations;
 - (f) injection and storage of greenhouse gas substances.
- An offshore area:
 - (a) starts 3 nautical miles from the baseline from which the breadth of the territorial sea is measured; and
 - (b) extends seaward to the outer limits of the continental shelf.
 - This Act provides for the grant of the following titles:
 - (a) a petroleum exploration permit (see Part 2.2);
 - (b) a petroleum retention lease (see Part 2.3);
 - (c) a petroleum production licence (see Part 2.4);
 - (d) an infrastructure licence (see Part 2.5);
 - (e) a pipeline licence (see Part 2.6);

Section 4

- (f) a petroleum special prospecting authority (see Part 2.7);
 - (g) a petroleum access authority (see Part 2.8);
 - (h) a greenhouse gas assessment permit (see Part 3.2);
 - (i) a greenhouse gas holding lease (see Part 3.3);
 - (j) a greenhouse gas injection licence (see Part 3.4);
 - (k) a greenhouse gas search authority (see Part 3.5);
 - (l) a greenhouse gas special authority (see Part 3.6).
- Generally, the administration of this Act in relation to an offshore area of a State is the responsibility of the Joint Authority for the State. The Joint Authority for a State (other than Tasmania) is constituted by the responsible State Minister and the responsible Commonwealth Minister. The Joint Authority for Tasmania is constituted by the responsible Commonwealth Minister.
 - Generally, the administration of this Act in relation to the Principal Northern Territory offshore area is the responsibility of the Joint Authority for that area (the Joint Authority is constituted by the responsible Northern Territory Minister and the responsible Commonwealth Minister).
 - The responsible Commonwealth Minister is responsible for the administration of greenhouse gas injection and storage provisions.
 - The National Offshore Petroleum Safety and Environmental Management Authority is responsible for the administration of:
 - (a) occupational health and safety provisions; and

Section 5

- (b) structural integrity provisions; and
- (c) environmental management provisions.
- The National Offshore Petroleum Titles Administrator is responsible for:
 - (a) assisting and advising the Joint Authority and the responsible Commonwealth Minister; and
 - (b) keeping registers of titles; and
 - (c) data and information management.

Note: Generally, the **baseline** is the line of lowest astronomical tide along the coast, but it also encompasses straight lines across bays (bay closing lines), rivers (river closing lines) and between islands, as well as along heavily indented areas of coastline (straight baselines) under certain circumstances.

5 Commonwealth-State agreement (the Offshore Constitutional Settlement)

- (1) This section explains the agreement known as the Offshore Constitutional Settlement, to the extent to which that agreement relates to exploring for, and exploiting, petroleum.
- (2) The Commonwealth, the States and the Northern Territory have agreed that:
 - (a) Commonwealth offshore petroleum legislation should be limited to the area that is outside the coastal waters of the States and the Northern Territory; and
 - (b) for this purpose, the outer limits of State and Northern Territory coastal waters should start 3 nautical miles from the baseline of the territorial sea; and
 - (c) the States and the Northern Territory should share, in the manner provided by this Act, in the administration of the Commonwealth offshore petroleum legislation; and

Section 5

- (d) State and Northern Territory offshore petroleum legislation should apply to State and Northern Territory coastal waters; and
 - (e) the Commonwealth, the States and the Northern Territory should try to maintain, as far as practicable, common principles, rules and practices in regulating and controlling the exploration for, and exploitation of, offshore petroleum beyond the baseline of Australia's territorial sea.
- (3) The table summarises other Acts that provide background to the Offshore Constitutional Settlement:

Section 5

Other Acts		
Item	Act	Summary of Act
1	<i>Seas and Submerged Lands Act 1973</i>	<p>This Act:</p> <ul style="list-style-type: none">(a) declared and enacted that the sovereignty in respect of the territorial sea and the associated airspace, seabed and subsoil is vested in and exercisable by the Crown in right of the Commonwealth; and(b) gave the Governor-General power to declare, by Proclamation, the limits of the territorial sea; and(c) declared and enacted that the sovereignty in respect of waters of the sea that are on the landward side of the baseline of the territorial sea (but not within the limits of a State) and in respect of the associated airspace, seabed and subsoil is vested in and exercisable by the Crown in right of the Commonwealth; and(d) declared and enacted that the sovereign rights of Australia as a coastal state in respect of the continental shelf of Australia (for the purpose of exploring it and exploiting its natural resources) are vested in and exercisable by the Crown in right of the Commonwealth; and(e) gave the Governor-General power to declare, by Proclamation, the limits of the continental shelf of Australia.

Section 6

Other Acts		
Item	Act	Summary of Act
2	<i>Coastal Waters (State Powers) Act 1980</i>	This Act was enacted following a request from the Parliaments of all the States under paragraph 51(xxxviii) of the Constitution of the Commonwealth and provided that the legislative powers exercisable under the Constitution of each State extended to the making of certain laws that would operate offshore.
3	<i>Coastal Waters (Northern Territory Powers) Act 1980</i>	This Act makes similar provision to the <i>Coastal Waters (State Powers) Act 1980</i> in relation to the Northern Territory.
4	<i>Coastal Waters (State Title) Act 1980</i>	This Act vested in each State certain property rights in the seabed beneath the coastal waters of the State.
5	<i>Coastal Waters (Northern Territory Title) Act 1980</i>	This Act makes similar provision to the <i>Coastal Waters (State Title) Act 1980</i> in relation to the Northern Territory.
6	<i>Offshore Minerals Act 1994</i>	This Act makes provision, based on the Offshore Constitutional Settlement, for the licensing regime that applies to the exploration for, and recovery of, minerals (other than petroleum) in offshore areas.

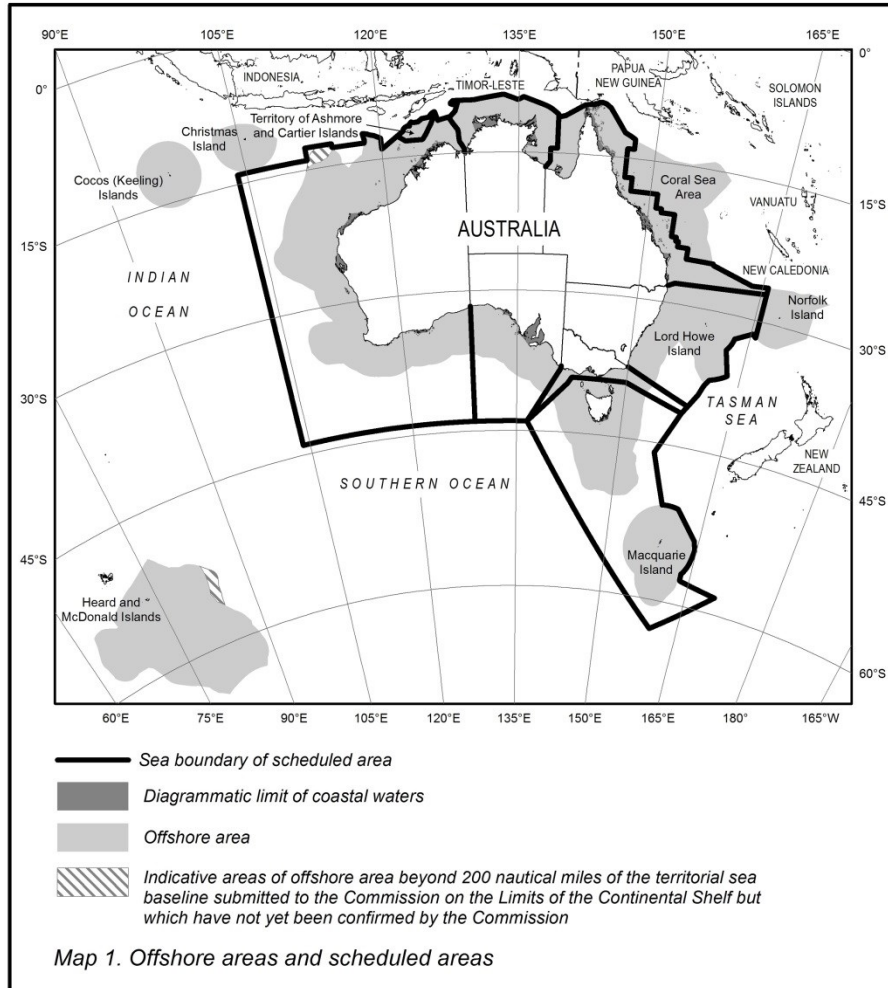
6 Simplified maps

- (1) This section sets out simplified maps illustrating areas off the coast of Australia that are relevant to this Act.
- (2) In the interests of simplification:
 - (a) coastlines and boundaries have been smoothed; and
 - (b) the maps do not show certain waters within the limits of a State or Territory; and
 - (c) the line marking the outer limits of the coastal waters of a State or Territory appears to be further out to sea than it actually is.

Section 6

Map 1

(3) Map 1 illustrates the offshore areas and the scheduled areas:



Note 1: As at the day on which the Bill that became this Act was introduced into the House of Representatives, certain maritime areas adjacent to Australia remained subject to delimitation with other countries. The full extent of Australia's claimed exclusive economic zone and continental shelf jurisdiction has not been shown in this map. The claimed jurisdiction extends beyond the areas shown in this map.

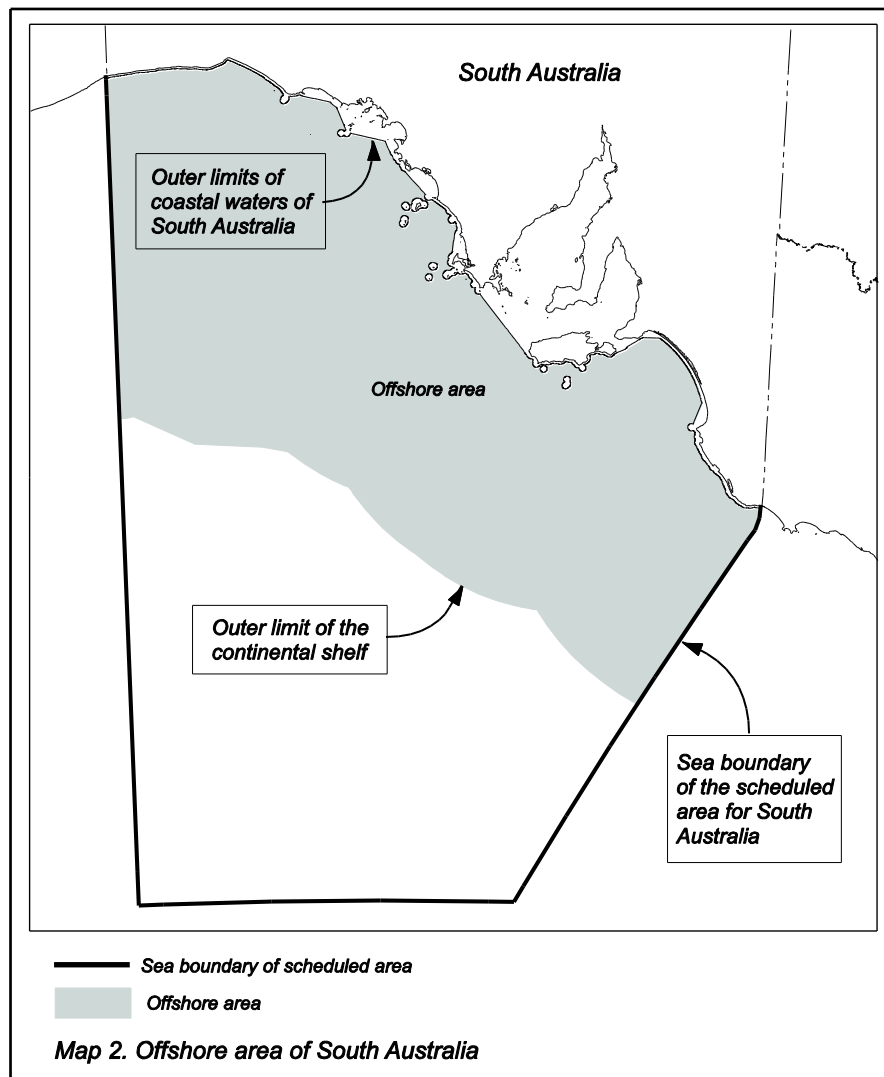
Section 6

Note 2: Generally, the territorial sea baseline is the line of lowest astronomical tide along the coast, but it also encompasses straight lines across bays (bay closing lines), rivers (river closing lines) and between islands, as well as along heavily indented areas of coastline (straight baselines) under certain circumstances.

Map 2

- (4) Map 2 zooms in and illustrates the offshore area of South Australia:

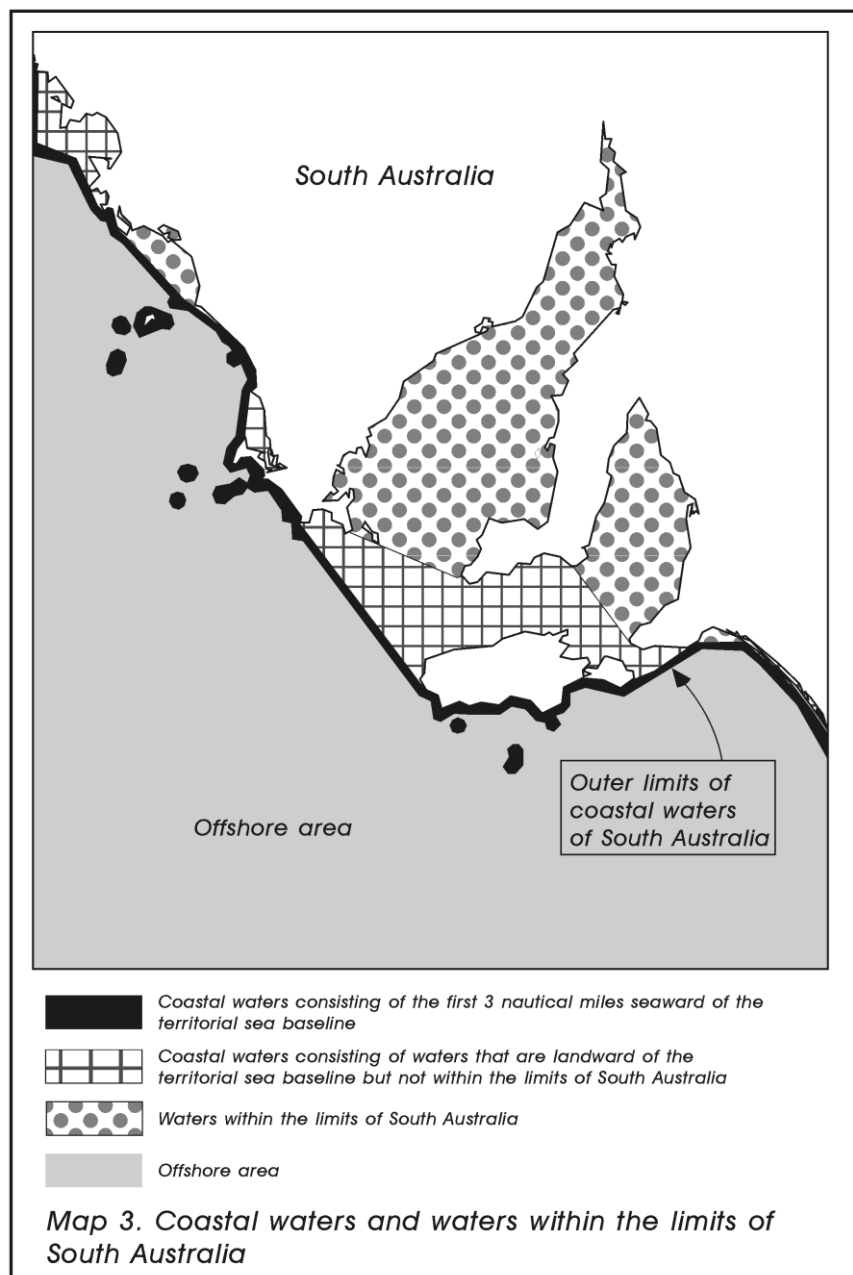
Section 6



Map 3

- (5) Map 3 zooms in and illustrates coastal waters and waters within the limits of South Australia:

Section 6



Section 6

Note: The bays shown as being within the limits of South Australia are for illustrative purposes only.

Part 1.2—Interpretation

Division 1—General

7 Definitions

In this Act, unless the contrary intention appears:

applied provisions has the meaning given by subsection 80(2).

approved:

- (a) when used in Chapter 3—means approved in writing by the responsible Commonwealth Minister; or
- (b) in any other case—means approved in writing by the Titles Administrator.

This definition does not apply to:

- (c) the expression ***approved site plan***; or
- (d) section 286A; or
- (da) section 452A; or
- (e) section 650; or
- (f) subsection 695B(3); or
- (g) section 695F.

approved site plan means a site plan in respect of which an approval is in force under the regulations.

Note: See section 457.

authority area:

- (a) when used in relation to a petroleum special prospecting authority—means the area constituted by the block or blocks that are the subject of the petroleum special prospecting authority; or
- (b) when used in relation to a petroleum access authority—means the area to which the petroleum access authority relates; or

- (c) when used in relation to a greenhouse gas search authority—means the area constituted by the block or blocks that are the subject of the greenhouse gas search authority; or
- (d) when used in relation to a greenhouse gas special authority—means the area to which the greenhouse gas special authority relates.

Bayu-Undan pipeline international offshore area means the area described in Schedule 8.

block means a block constituted as provided by section 33 or 282.

boundary-change petroleum exploration permit means:

- (a) a petroleum exploration permit granted under Division 4A of Part 2.2; or
- (b) a petroleum exploration permit granted under Division 5 of Part 2.2 by way of the renewal of a permit referred to in paragraph (a).

cash-bid greenhouse gas assessment permit means:

- (a) a greenhouse gas assessment permit granted under Division 3 of Part 3.2; or
- (b) a greenhouse gas assessment permit granted under Division 4 of Part 3.2 by way of the renewal of a permit referred to in paragraph (a).

cash-bid petroleum exploration permit means:

- (a) a petroleum exploration permit granted under Division 3 of Part 2.2 of this Act; or
- (b) an exploration permit granted under section 22B of the repealed *Petroleum (Submerged Lands) Act 1967*; or
- (c) a petroleum exploration permit granted under Division 5 of Part 2.2 of this Act by way of the renewal of a permit referred to in paragraph (a) or (b); or
- (d) an exploration permit granted under section 32 of the repealed *Petroleum (Submerged Lands) Act 1967* by way of the renewal of a permit referred to in paragraph (b).

Section 7

closure assurance period has the meaning given by section 399.

COAG Reform Fund means the COAG Reform Fund established by section 5 of the *COAG Reform Fund Act 2008*.

coastal waters, in relation to a State or the Northern Territory, means so much of the scheduled area for the State or Territory as consists of:

- (a) the territorial sea; and
- (b) any waters that are:
 - (i) on the landward side of the territorial sea; and
 - (ii) not within the limits of the State or Territory.

For this purpose, assume that the breadth of the territorial sea of Australia had never been determined or declared to be greater than 3 nautical miles, but had continued to be 3 nautical miles.

Commissioner means a person appointed under section 780A.

Commission of inquiry means an inquiry conducted, or to be conducted, by a person appointed under section 780A.

constitutional corporation means a corporation to which paragraph 51(xx) of the Constitution applies.

construct includes place.

continental shelf means the continental shelf (within the meaning of the *Seas and Submerged Lands Act 1973*) adjacent to the coast of:

- (a) Australia (including the coast of any island forming part of a State or Territory); or
- (b) a Territory.

datum means a reference frame for defining geographic coordinates.

Note: If the position on the surface of the Earth of a particular point is identified by a coordinate that is determined by reference to a particular datum, the use of a different datum will result in the same point being identified by a different coordinate.

declared greenhouse gas facility has the meaning given by section 18.

declared petroleum exploration permit has the meaning given by section 101.

declared petroleum production licence has the meaning given by section 164.

declared petroleum retention lease has the meaning given by section 138.

designated agreement has the meaning given by section 32.

Designated Authority:

- (a) means a person who, at any time before the commencement of Part 6.10, was a Designated Authority (within the meaning of this Act); and
- (b) when used in the expression ***the Designated Authority***, means a person who, at any time before the commencement of Part 6.10, was the Designated Authority (within the meaning of this Act) for the offshore area concerned.

designated external Territory means:

- (a) Norfolk Island; or
- (b) the Territory of Christmas Island; or
- (c) the Territory of Cocos (Keeling) Islands; or
- (d) the Territory of Heard Island and McDonald Islands.

designated public official has the meaning given by section 33A.

detection agent means a substance, whether in a gaseous or liquid state, that:

- (a) when added to:
 - (i) another substance; or
 - (ii) a mixture of other substances;facilitates the monitoring of the behaviour of that other substance or that mixture, as the case may be; and
- (b) is specified in the regulations.

Section 7

Eastern Greater Sunrise offshore area has the meaning given by Schedule 7.

Note: The Eastern Greater Sunrise offshore area is a part of the offshore area of the Northern Territory.

eligible greenhouse gas storage formation has the meaning given by section 21.

engage in conduct means:

- (a) do an act; or
- (b) omit to perform an act.

environmental management law has the same meaning as in Schedule 2A.

Environment Minister means the Minister administering the *Environment Protection and Biodiversity Conservation Act 1999*.

expert advisory committee means a committee established under section 748.

expert advisory committee member means a member of an expert advisory committee, and includes the Chair of an expert advisory committee.

expiry date:

- (a) when used in relation to a petroleum exploration permit, petroleum retention lease or petroleum production licence—has the meaning given by subsection 10(1); or
- (b) when used in relation to a greenhouse gas assessment permit or a greenhouse gas holding lease (other than a special greenhouse gas holding lease)—has the meaning given by subsection 10(2).

explore:

- (a) when used in relation to petroleum—has a meaning affected by subsection 19(1); or

- (b) when used in relation to a potential greenhouse gas storage formation—has a meaning affected by subsections 19(2) and (3); or
- (c) when used in relation to a potential greenhouse gas injection site—has a meaning affected by subsection 19(4).

Federal Circuit Court means the Federal Circuit Court of Australia.

Federal Court means the Federal Court of Australia.

fixed-term petroleum production licence means a petroleum production licence covered by item 2, 3 or 5 of the table in subsection 165(1).

fixed-term State/Territory petroleum production title means a State/Territory petroleum production title that was granted for a term of years.

fundamental suitability determinants:

- (a) when used in relation to an eligible greenhouse gas storage formation—has the meaning given by subsection 21(8); or
- (b) when used in relation to an identified greenhouse gas storage formation—has the meaning given by subsection 312(11).

geographic coordinate includes:

- (a) a meridian of longitude by itself; and
- (b) a parallel of latitude by itself.

geological formation includes:

- (a) any seal or reservoir of a geological formation; and
- (b) any associated geological attributes or features of a geological formation.

good oilfield practice means all those things that are generally accepted as good and safe in:

- (a) the carrying on of exploration for petroleum; or
- (b) petroleum recovery operations.

Section 7

good processing and transport practice means all those things that are generally accepted as good and safe in:

- (a) the processing, conveyance, transport and storage of petroleum; and
- (b) the preparation of petroleum for transport.

graticular section has the meaning given by section 33.

Greater Sunrise pipeline international offshore area means the area declared under section 780P.

Greater Sunrise special regime area has the same meaning as in the *Seas and Submerged Lands Act 1973*.

Greater Sunrise unitisation agreement means the Agreement between the Government of Australia and the Government of the Democratic Republic of Timor-Leste relating to the Unitisation of the Sunrise and Troubadour Fields, done at Dili on 6 March 2003, as in force immediately before the commencement of Schedule 1 to the *Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019*.

Note: In 2007, the text of international agreements was accessible through the Australian Treaties Library on the AustLII website (www.austlii.edu.au).

Greater Sunrise unit reservoir petroleum production licence means a petroleum production licence in respect of one or more blocks within the Eastern Greater Sunrise offshore area that would allow the licensee to recover petroleum from either or both of the Greater Sunrise unit reservoirs.

Greater Sunrise unit reservoirs means the unit reservoirs within the meaning of the Greater Sunrise unitisation agreement.

Greater Sunrise visiting inspector means a NOPSEMA inspector identified as a Greater Sunrise visiting inspector in his or her identity card (see subsection 602(4)).

greenhouse gas assessment permit means a greenhouse gas assessment permit granted under Part 3.2.

greenhouse gas assessment permit area means the permit area of a greenhouse gas assessment permit.

greenhouse gas assessment permittee means the registered holder of a greenhouse gas assessment permit.

greenhouse gas facility line means a pipe, or system of pipes, that is:

- (a) for conveying a greenhouse gas substance; and
- (b) part of a declared greenhouse gas facility.

greenhouse gas holding lease means a greenhouse gas holding lease granted under Part 3.3.

greenhouse gas holding lease area means the lease area of a greenhouse gas holding lease.

greenhouse gas holding lessee means the registered holder of a greenhouse gas holding lease.

greenhouse gas infrastructure line means a pipe, or system of pipes, that is:

- (a) for conveying a greenhouse gas substance; and
- (b) part of an infrastructure facility.

greenhouse gas injection licence means a greenhouse gas injection licence granted under Part 3.4.

greenhouse gas injection licence area means the licence area of a greenhouse gas injection licence.

greenhouse gas injection licensee means the registered holder of a greenhouse gas injection licence.

greenhouse gas injection line means a pipe, or system of pipes, for:

- (a) conveying a greenhouse gas substance to be compressed, processed or otherwise prepared for injection into an identified greenhouse gas storage formation; or

Section 7

(b) conveying a greenhouse gas substance for storage prior to being injected into an identified greenhouse gas storage formation; or

(c) conveying a greenhouse gas substance for injection into an identified greenhouse gas storage formation;

so long as the greenhouse gas substance does not pass through a terminal point on the pipe, or system of pipes, as the case may be, before it is injected into the identified greenhouse gas storage formation.

greenhouse gas pipeline means:

(a) a pipe, or system of pipes, in an offshore area for conveying a greenhouse gas substance, other than:

(i) a greenhouse gas injection line; or

(ii) a greenhouse gas infrastructure line; or

(iii) a greenhouse gas facility line; or

(iv) a pipe, or a system of pipes, that is specified in the regulations; or

(b) a part of a pipe covered by paragraph (a); or

(c) a part of a system of pipes covered by paragraph (a).

greenhouse gas pumping station means equipment for pumping a greenhouse gas substance or water, and includes any structure associated with that equipment.

greenhouse gas research consent means a greenhouse gas research consent granted under Part 3.7.

greenhouse gas search authority means a greenhouse gas search authority granted under Part 3.5.

greenhouse gas special authority means a greenhouse gas special authority granted under Part 3.6.

greenhouse gas substance means:

(a) carbon dioxide, whether in a gaseous or liquid state; or

(b) a prescribed greenhouse gas, whether in a gaseous or liquid state; or

- (c) a mixture of any or all of the following substances:
- (i) carbon dioxide, whether in a gaseous or liquid state;
 - (ii) one or more prescribed greenhouse gases, whether in a gaseous or liquid state;
 - (iii) one or more incidental greenhouse gas-related substances, whether in a gaseous or liquid state, that relate to either or both of the substances mentioned in subparagraphs (i) and (ii);
 - (iv) a prescribed detection agent, whether in a gaseous or liquid state;
- so long as:
- (v) the mixture consists overwhelmingly of either or both of the substances mentioned in subparagraphs (i) and (ii); and
 - (vi) if the mixture includes a prescribed detection agent—the concentration of the prescribed detection agent in the mixture is not more than the concentration prescribed in relation to that detection agent.

greenhouse gas tank station means a tank, or system of tanks, for holding or storing a greenhouse gas substance, and includes any structure associated with that tank or system of tanks.

greenhouse gas valve station means equipment for regulating the flow of a greenhouse gas substance, and includes any structure associated with that equipment.

identified greenhouse gas storage formation has the meaning given by section 312.

identity card of a NOPSEMA inspector means an identity card issued to the inspector under the Regulatory Powers Act in its application under Division 1 of Part 6.5 of this Act.

incidental greenhouse gas-related substance has the meaning given by section 23.

infrastructure facility has the meaning given by section 15.

Section 7

infrastructure licence means an infrastructure licence granted under:

- (a) Part 2.5 of this Act; or
- (b) Division 3A of Part III of the repealed *Petroleum (Submerged Lands) Act 1967*.

infrastructure licence area means the licence area of an infrastructure licence.

infrastructure licensee means the registered holder of an infrastructure licence.

Joint Authority has the meaning given by section 56 and, when used in the expression **the Joint Authority**, means the Joint Authority for the offshore area concerned.

key greenhouse gas operation means:

- (a) an operation to make a well; or
- (b) an operation to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation; or
- (c) an operation to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation; or
- (d) an operation to inject, on an appraisal basis, air, petroleum or water into a part of a geological formation; or
- (e) an operation to store, on an appraisal basis, air, petroleum or water in a part of a geological formation; or
- (f) an operation to carry out a seismic survey or any other kind of survey; or
- (g) an operation to monitor the behaviour of:
 - (i) a greenhouse gas substance; or
 - (ii) air; or
 - (iii) petroleum; or
 - (iv) water;stored in a part of a geological formation; or
- (h) an operation to carry out baseline investigations relating to the storage of a greenhouse gas substance in a part of the geological formation; or

- (i) an operation to take samples of the seabed or subsoil of an offshore area; or
- (j) an operation specified in the regulations.

key petroleum operation means:

- (a) an operation to make a well; or
- (b) an operation to inject a substance into a part of a geological formation; or
- (c) an operation to store a substance in a part of a geological formation; or
- (d) an operation to carry out a seismic survey or any other kind of survey; or
- (e) an operation to monitor the behaviour of a substance stored in a part of a geological formation; or
- (f) an operation to take samples of the seabed or subsoil of an offshore area; or
- (g) an operation specified in the regulations.

lease area:

- (a) when used in relation to a petroleum retention lease—means the area constituted by the block or blocks that are the subject of the petroleum retention lease; or
- (b) when used in relation to a greenhouse gas holding lease—means the area constituted by the block or blocks that are the subject of the greenhouse gas holding lease.

lessee:

- (a) when used in relation to a petroleum retention lease—means the registered holder of the petroleum retention lease; or
- (b) when used in relation to a greenhouse gas holding lease—means the registered holder of the greenhouse gas holding lease.

licence area:

- (a) when used in relation to an infrastructure licence—means the place in relation to which the infrastructure licence is in force; or

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- (b) when used in relation to a petroleum production licence—means the area constituted by the block or blocks that are the subject of the petroleum production licence; or
- (c) when used in relation to a greenhouse gas injection licence—means the area constituted by the block or blocks that are the subject of the greenhouse gas injection licence.

Note: The place in relation to which an infrastructure licence is in force must be a place in an offshore area—see subsection 198(2) and section 199.

licensee:

- (a) when used in relation to a petroleum production licence—means the registered holder of the petroleum production licence; or
- (b) when used in relation to an infrastructure licence—means the registered holder of the infrastructure licence; or
- (c) when used in relation to a pipeline licence—means the registered holder of the pipeline licence; or
- (d) when used in relation to a greenhouse gas injection licence—means the registered holder of the greenhouse gas injection licence.

life-of-field petroleum production licence means a petroleum production licence covered by item 1, 3A or 4 of the table in subsection 165(1).

listed NOPSEMA law: see section 601.

listed OHS laws has the meaning given by section 638.

location means a block or blocks in relation to which a declaration under section 131 is in force.

Ministers responsible for mineral and energy resources matters means a group of Ministers established or recognised by the Council of Australian Governments whose members include Commonwealth, State, Territory and New Zealand Ministers with responsibility for energy and resource matters.

natural resources has the same meaning as in paragraph 4 of Article 77 of the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982.

Note: Paragraph 4 of Article 77 is as follows:

The natural resources referred to in this Part consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

New Zealand boundary treaty means the Treaty between Australia and New Zealand establishing certain exclusive economic zone boundaries and continental shelf boundaries that was signed at Adelaide on 25 July 2004.

NOPSEMA means the National Offshore Petroleum Safety and Environmental Management Authority.

NOPSEMA inspector means a person appointed as a NOPSEMA inspector under section 602.

Northern Territory title means an authority, however described, under a law of the Northern Territory, to explore for, or to recover, petroleum.

offshore area means:

- (a) the offshore area of New South Wales; or
- (b) the offshore area of Victoria; or
- (c) the offshore area of Queensland; or
- (d) the offshore area of Western Australia; or
- (e) the offshore area of South Australia; or
- (f) the offshore area of Tasmania; or
- (g) the Principal Northern Territory offshore area; or
- (h) the Eastern Greater Sunrise offshore area; or
- (i) the offshore area of Norfolk Island; or
- (j) the offshore area of the Territory of Christmas Island; or

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(k) the offshore area of the Territory of Cocos (Keeling) Islands;
or

(l) the offshore area of the Territory of Ashmore and Cartier Islands; or

(m) the offshore area of the Territory of Heard Island and McDonald Islands;

and, when used in the expression ***the offshore area***, means whichever of the areas referred to in paragraph (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) or (m) is applicable.

Note 1: The ***offshore area*** of a State or Territory is defined by section 8.

Note 2: The offshore area of a State or Territory corresponds to the term ***adjacent area*** under the repealed *Petroleum (Submerged Lands) Act 1967*.

Note 3: Under section 8A, each of the following areas is treated like an offshore area for the purposes of many provisions of this Act so far as they relate to petroleum pipelines:

- (a) the Bayu-Undan pipeline international offshore area;
- (b) the Greater Sunrise pipeline international offshore area (if declared).

original greenhouse gas assessment permit means a greenhouse gas assessment permit that was granted otherwise than by way of renewal.

original petroleum exploration permit means a petroleum exploration permit granted otherwise than by way of renewal.

original petroleum production licence means a petroleum production licence granted otherwise than by way of renewal.

original petroleum retention lease means a petroleum retention lease granted otherwise than by way of renewal.

partly cancelled means:

- (a) in relation to a petroleum exploration permit or petroleum production licence—cancelled as to one or more, but not all, of the blocks the subject of the permit or licence; and
- (b) in relation to a pipeline licence—cancelled as to a part of the pipeline the subject of the licence.

partly revoked, in relation to a petroleum exploration permit or petroleum retention lease, means revoked as to one or more, but not all, of the blocks the subject of the permit or lease.

partly surrendered, in relation to a petroleum exploration permit, petroleum production licence or greenhouse gas injection licence, means surrendered as to one or more, but not all, of the blocks the subject of the permit or licence.

partly terminated, in relation to a pipeline licence, means terminated as to a part of the pipeline the subject of the licence.

part of a geological formation includes a part of a combination of geological formations.

permit area:

- (a) when used in relation to a petroleum exploration permit—means the area constituted by the block or blocks that are the subject of the petroleum exploration permit; or
- (b) when used in relation to a greenhouse gas assessment permit—means the area constituted by the block or blocks that are the subject of the greenhouse gas assessment permit.

permittee:

- (a) when used in relation to a petroleum exploration permit—means the registered holder of the petroleum exploration permit; or
- (b) when used in relation to a greenhouse gas assessment permit—means the registered holder of the greenhouse gas assessment permit.

petroleum means:

- (a) any naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state; or
- (b) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or

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- (c) any naturally occurring mixture of:
 - (i) one or more hydrocarbons, whether in a gaseous, liquid or solid state; and
 - (ii) one or more of the following, that is to say, hydrogen sulphide, nitrogen, helium and carbon dioxide;

and:

- (d) includes any petroleum as defined by paragraph (a), (b) or (c) that has been returned to a natural reservoir; and
- (e) for the purposes of the pipeline provisions, also includes any petroleum as defined by paragraph (a), (b), (c) or (d), where:
 - (i) one or more things have been added; or
 - (ii) one or more things have been wholly or partly removed; or both; and
- (f) for the purposes of the pipeline provisions, also includes any mixture that:
 - (i) has been recovered from a well; and
 - (ii) includes petroleum as defined by paragraph (a), (b), (c) or (d);whether or not:
 - (iii) one or more things have been added; or
 - (iv) one or more things have been wholly or partly removed; or both.

petroleum access authority means:

- (a) a petroleum access authority granted under Part 2.8 of this Act; or
- (b) an access authority granted under section 112 of the repealed *Petroleum (Submerged Lands) Act 1967*.

petroleum exploration permit means:

- (a) a work-bid petroleum exploration permit; or
- (b) a cash-bid petroleum exploration permit; or
- (c) a special petroleum exploration permit; or
- (d) a boundary-change petroleum exploration permit.

petroleum exploration permit area means the permit area of a petroleum exploration permit.

petroleum exploration permittee means the registered holder of a petroleum exploration permit.

petroleum pipeline means:

- (a) a pipe, or system of pipes, in an offshore area for conveying petroleum (whether or not the petroleum is recovered from an offshore area), other than a secondary line; or
- (b) a part of a pipe covered by paragraph (a); or
- (c) a part of a system of pipes covered by paragraph (a).

petroleum pool means a naturally occurring discrete accumulation of petroleum.

petroleum production licence means:

- (a) a petroleum production licence granted under Part 2.4 of this Act; or
- (b) a production licence granted under Division 3 of Part III of the repealed *Petroleum (Submerged Lands) Act 1967*; or
- (c) a production licence granted under section 148 of the repealed *Petroleum (Submerged Lands) Act 1967*.

petroleum production licence area means the licence area of a petroleum production licence.

petroleum production licensee means the registered holder of a petroleum production licence.

petroleum pumping station means equipment for pumping petroleum or water, and includes any structure associated with that equipment.

petroleum retention lease means:

- (a) a petroleum retention lease granted under Part 2.3 of this Act; or
- (b) a retention lease granted under Division 2A of Part III of the repealed *Petroleum (Submerged Lands) Act 1967*.

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petroleum retention lease area means the lease area of a petroleum retention lease.

petroleum retention lessee means the registered holder of a petroleum retention lease.

petroleum scientific investigation consent means:

- (a) a petroleum scientific investigation consent granted under Part 2.9 of this Act; or
- (b) a scientific investigation consent granted under section 123 of the repealed *Petroleum (Submerged Lands) Act 1967*.

petroleum special prospecting authority means:

- (a) a petroleum special prospecting authority granted under Part 2.7 of this Act; or
- (b) a special prospecting authority granted under section 111 of the repealed *Petroleum (Submerged Lands) Act 1967*.

petroleum tank station means a tank, or system of tanks, for holding or storing petroleum, and includes any structure associated with that tank or system of tanks.

petroleum valve station means equipment for regulating the flow of petroleum, and includes any structure associated with that equipment.

pipeline means:

- (a) a petroleum pipeline; or
- (b) a greenhouse gas pipeline.

pipeline licence means a pipeline licence granted under:

- (a) Part 2.6 of this Act; or
- (b) Division 4 of Part III of the repealed *Petroleum (Submerged Lands) Act 1967*.

pipeline licensee means the registered holder of a pipeline licence.

pipeline provisions means the following:

- (a) Part 2.6;

- (b) the definition of *greenhouse gas pipeline* in this section;
- (c) the definition of *greenhouse gas pumping station* in this section;
- (d) the definition of *greenhouse gas tank station* in this section;
- (e) the definition of *greenhouse gas valve station* in this section;
- (f) the definition of *petroleum pipeline* in this section;
- (g) the definition of *petroleum pumping station* in this section;
- (h) the definition of *petroleum tank station* in this section;
- (i) the definition of *petroleum valve station* in this section;
- (j) the definition of *pipeline* in this section;
- (k) item 3 of the table in subsection 569(1).

post-commencement petroleum exploration permit means:

- (a) an original petroleum exploration permit that was granted after the commencement of this section; or
- (b) a petroleum exploration permit that was granted by way of renewal, where the original petroleum exploration permit was granted after the commencement of this section.

post-commencement petroleum production licence means:

- (a) a petroleum production licence that was granted to the registered holder of:
 - (i) a post-commencement petroleum exploration permit; or
 - (ii) a post-commencement petroleum retention lease;that was in force over the block or blocks to which the petroleum production licence relates; or
- (b) a petroleum production licence granted under section 181; or
- (c) a petroleum production licence granted under section 183, where the initial petroleum production licence mentioned in section 182 was a post-commencement petroleum production licence; or
- (d) a petroleum production licence granted under section 183A; or
- (e) a petroleum production licence that was granted by way of renewal, where the original petroleum production licence was granted under section 183A.

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post-commencement petroleum retention lease means:

- (a) an original petroleum retention lease that was granted to the registered holder of:
 - (i) a post-commencement petroleum exploration permit; or
 - (ii) a post-commencement petroleum production licence;that was in force over the block or blocks to which the original petroleum retention lease relates; or
- (b) a petroleum retention lease that was granted by way of renewal, where the original petroleum retention lease was granted to the registered holder of:
 - (i) a post-commencement petroleum exploration permit; or
 - (ii) a post-commencement petroleum production licence;that was in force over the block or blocks to which the original petroleum retention lease related; or
- (c) a petroleum retention lease granted under section 152A; or
- (d) a petroleum retention lease that was granted by way of renewal, where the original petroleum retention lease was granted under section 152A.

post-commencement petroleum title means:

- (a) a post-commencement petroleum exploration permit; or
- (b) a post-commencement petroleum retention lease; or
- (c) a post-commencement petroleum production licence.

potential greenhouse gas injection site has the meaning given by section 22.

potential greenhouse gas storage formation has the meaning given by section 20.

pre-commencement petroleum exploration permit means a petroleum exploration permit other than a post-commencement petroleum exploration permit.

pre-commencement petroleum production licence means a petroleum production licence other than a post-commencement petroleum production licence.

pre-commencement petroleum retention lease means a petroleum retention lease other than a post-commencement petroleum retention lease.

pre-commencement petroleum title means:

- (a) a pre-commencement petroleum exploration permit; or
- (b) a pre-commencement petroleum retention lease; or
- (c) a pre-commencement petroleum production licence.

Principal Northern Territory offshore area means so much of the offshore area of the Northern Territory as does not consist of the Eastern Greater Sunrise offshore area.

Note: The ***offshore area*** of the Northern Territory is defined by section 8.

pumping station means:

- (a) a greenhouse gas pumping station; or
- (b) a petroleum pumping station.

Register:

- (a) when used in Chapter 4—has the meaning given by section 467; or
- (b) when used in Chapter 5—has the meaning given by section 519.

registered holder, in relation to a title, means the person whose name is shown in the Register kept under section 469 or 521 as the holder of the title. For this purpose, a ***title*** is a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence, pipeline licence, petroleum special prospecting authority, petroleum access authority, greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority.

regulated operation means:

- (a) an activity to which Chapter 2 applies; or
- (b) an activity to which Chapter 3 applies.

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For the purposes of paragraph (b), assume that each reference in subsection 356(1) to a substance were a reference to a greenhouse gas substance.

Regulatory Levies Act means the *Offshore Petroleum and Greenhouse Gas Storage (Regulatory Levies) Act 2003*.

Regulatory Powers Act means the *Regulatory Powers (Standard Provisions) Act 2014*.

related body corporate has the same meaning as in the *Corporations Act 2001*.

renewal:

- (a) when used in relation to a petroleum exploration permit, petroleum retention lease or petroleum production licence—has the meaning given by subsection 11(1); or
- (b) when used in relation to a greenhouse gas assessment permit or greenhouse gas holding lease—has the meaning given by subsection 11(2).

responsible Commonwealth Minister means:

- (a) the Minister who is responsible for the administration of this Act; or
- (b) another Minister acting for and on behalf of the Minister referred to in paragraph (a).

responsible Northern Territory Minister means:

- (a) the Minister of the Northern Territory who is authorised under a law of the Northern Territory to perform the functions, and exercise the powers, of a member of the Joint Authority for the Northern Territory under this Act; or
- (b) another Minister of the Northern Territory acting for and on behalf of the Minister referred to in paragraph (a).

responsible State Minister, in relation to a State, means:

- (a) whichever of the following applies:
 - (i) the Minister of the State (other than Tasmania) who is authorised under a law of the State to perform the

- functions, and exercise the powers, of a member of the Joint Authority for the State under this Act;
- (ii) the Minister of Tasmania who is responsible for the State PSLA for Tasmania, within the meaning of Part 6.9 (see section 643); or
- (b) another Minister of the State acting for and on behalf of the Minister referred to in paragraph (a).

Royal Commission has the same meaning as in the *Royal Commissions Act 1902*.

Royalty Act means the *Offshore Petroleum (Royalty) Act 2006*.

scheduled area, in relation to a State or Territory, has the meaning given by Schedule 1.

secondary line means a pipe, or system of pipes, for:

- (a) returning petroleum to a natural reservoir; or
- (b) conveying petroleum for use for petroleum exploration operations; or
- (c) conveying petroleum for use for petroleum recovery operations; or
- (d) conveying petroleum that is to be flared or vented; or
- (e) conveying petroleum from a well, wherever located, to a terminal station in an offshore area without passing through another terminal station.

Secretary means the Secretary of the Department.

serious situation, in relation to an identified greenhouse gas storage formation, has the meaning given by section 379.

significant risk has a meaning affected by section 25, 26, 27, 28 or 29.

site closing certificate means a certificate issued under section 392.

site plan, in relation to an identified greenhouse gas storage formation, has the meaning given by section 24.

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spatial extent of an eligible greenhouse gas storage formation has the meaning given by subsection 21(3).

special greenhouse gas holding lease means a greenhouse gas holding lease granted under section 338.

special petroleum exploration permit means:

- (a) a petroleum exploration permit granted under Division 4 of Part 2.2 of this Act; or
- (b) an exploration permit granted under section 27 of the repealed *Petroleum (Submerged Lands) Act 1967*; or
- (c) a petroleum exploration permit granted under Division 5 of Part 2.2 of this Act by way of the renewal of a permit referred to in paragraph (a) or (b); or
- (d) an exploration permit granted under section 32 of the repealed *Petroleum (Submerged Lands) Act 1967* by way of the renewal of a permit referred to in paragraph (b).

State/Territory petroleum exploration title means an instrument under a law of a State or the Northern Territory that confers, in relation to the coastal waters of the State or Territory, rights that correspond to the rights that a petroleum exploration permit confers in relation to the offshore area of the State or Territory.

State/Territory petroleum production title means an instrument under a law of a State or the Northern Territory that confers, in relation to the coastal waters of the State or Territory, rights that correspond to the rights that a petroleum production licence confers in relation to the offshore area of the State or Territory.

State/Territory petroleum retention title means an instrument under a law of a State or the Northern Territory that confers, in relation to the coastal waters of the State or Territory, rights that correspond to the rights that a petroleum retention lease confers in relation to the offshore area of the State or Territory.

State title means an authority, however described, under a law of a State, to explore for, or to recover, petroleum.

structural integrity includes the following:

- (a) structural soundness;
- (b) structural strength;
- (c) stability;
- (d) fitness for purpose;
- (e) mechanical integrity;
- (f) systems integrity;

in connection with:

- (g) the containment of:
 - (i) petroleum; or
 - (ii) a greenhouse gas substance; or
 - (iii) any other substance; or
- (h) the health and safety of persons engaged in:
 - (i) offshore petroleum operations (within the meaning of Part 6.9); or
 - (ii) offshore greenhouse gas operations (within the meaning of Part 6.9).

For the purposes of paragraph (f), **systems integrity** includes the integrity of the following:

- (i) electrical systems;
- (j) electronic systems;
- (k) hydraulic systems;
- (l) chemical systems;
- (m) dynamic positioning systems;
- (n) other systems.

structural integrity law means the provisions of this Act or the regulations to the extent to which the provisions relate to the structural integrity of:

- (a) facilities (within the meaning of Schedule 3); or
- (b) wells; or
- (c) well-related equipment.

tank station means:

- (a) a greenhouse gas tank station; or

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(b) a petroleum tank station.

term:

- (a) when used in relation to a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence, pipeline licence, petroleum special prospecting authority or petroleum access authority—has the meaning given by subsection 10(1); or
- (b) when used in relation to a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority—has the meaning given by subsection 10(2).

terminal point has the meaning given by section 17.

terminal station has the meaning given by section 16.

Territory means a Territory in which this Act applies or to which this Act extends.

tied, in relation to a greenhouse gas holding lease or greenhouse gas injection licence, has the meaning given by section 13.

Timorese Designated Authority means the authority that is the Designated Authority under paragraph 2 of Article 6 of Annex B to the Timor Sea Maritime Boundaries Treaty.

Timor Sea Maritime Boundaries Treaty means the Treaty between Australia and the Democratic Republic of Timor-Leste Establishing their Maritime Boundaries in the Timor Sea done at New York on 6 March 2018, as in force from time to time.

Note: The Timor Sea Maritime Boundaries Treaty could in 2019 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

title:

- (a) when used in the definition of **registered holder**—has the meaning given by the second sentence of that definition; or

- (b) when used in Subdivision A of Division 2 of Part 1.2—has the meaning given by section 38; or
- (c) when used in Division 3 of Part 1.2—has the meaning given by section 50; or
- (e) when used in section 282—has the meaning given by subsection 282(6); or
- (f) when used in section 462—has the meaning given by subsection 462(6); or
- (g) when used in Chapter 4—has the meaning given by section 467; or
- (ga) when used in Chapter 5—has the meaning given by section 519; or
- (h) when used in section 574—has the meaning given by subsection 574(1); or
- (ha) when used in section 574A—has the meaning given by subsection 574A(1); or
- (i) when used in Division 2A of Part 6.2—has the meaning given by subsection 576A(3); or
- (ia) when used in section 579A—has the meaning given by subsection 579A(1); or
- (j) when used in section 580—has the meaning given by subsection 580(1).

title area:

- (a) when used in Division 3 of Part 1.2—has the meaning given by section 51; or
- (b) when used in section 572—has the meaning given by subsection 572(1); or
- (ba) when used in Division 2A of Part 6.2—has the meaning given by subsection 576A(3); or
- (c) when used in section 586—has the meaning given by subsection 586(6); or
- (d) when used in section 586A—has the meaning given by subsection 586A(7).

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titleholder:

- (a) when used in Division 3 of Part 1.2—has the meaning given by section 51; or
- (b) when used in section 572—has the meaning given by subsection 572(1).

titleholder's representative: see section 602K.

Titles Administrator means the National Offshore Petroleum Titles Administrator.

vacated area has the meaning given by section 14.

valve station means:

- (a) a greenhouse gas valve station; or
- (b) a petroleum valve station.

vessel means a vessel used in navigation, other than air navigation, and includes a barge, lighter or other floating vessel.

water line means a pipe, or system of pipes, for conveying water in connection with:

- (a) petroleum exploration operations; or
- (b) petroleum recovery operations; or
- (c) exploration for potential greenhouse gas storage formations; or
- (d) exploration for potential greenhouse gas injection sites; or
- (e) the injection of a greenhouse gas substance into an identified greenhouse gas storage formation; or
- (f) the injection, on an appraisal basis, of a greenhouse gas substance into a part of a geological formation; or
- (g) the injection, on an appraisal basis, of air, petroleum or water into a part of a geological formation.

well means a hole in the seabed or subsoil made by drilling, boring or any other means in connection with:

- (a) exploration for petroleum; or
- (b) petroleum recovery operations; or

- (c) exploration for potential greenhouse gas storage formations;
or
 - (d) exploration for potential greenhouse gas injection sites; or
 - (e) the injection of a greenhouse gas substance into an identified greenhouse gas storage formation; or
 - (f) the injection, on an appraisal basis, of a greenhouse gas substance into a part of a geological formation; or
 - (g) the injection, on an appraisal basis, of air, petroleum or water into a part of a geological formation;
- but does not include a seismic shot hole.

well integrity law has the same meaning as in Schedule 2B.

well-related equipment means any:

- (a) plant; or
- (b) equipment; or
- (c) other thing;

for containing pressure in a well.

Western Greater Sunrise area has the meaning given by Schedule 7.

wholly cancelled, in relation to a petroleum exploration permit, petroleum production licence or pipeline licence, means cancelled as to all the blocks, or as to the whole of the pipeline, the subject of the permit or licence.

wholly revoked, in relation to a petroleum exploration permit or petroleum retention lease, means revoked as to all the blocks the subject of the permit or lease.

wholly terminated, in relation to a pipeline licence, means terminated as to the whole of the pipeline the subject of the licence.

work-bid greenhouse gas assessment permit means:

- (a) a greenhouse gas assessment permit granted under Division 2 of Part 3.2; or

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- (b) a greenhouse gas assessment permit granted under Division 4 of Part 3.2 by way of the renewal of a permit referred to in paragraph (a).

work-bid petroleum exploration permit means:

- (a) a petroleum exploration permit granted under Division 2 of Part 2.2 of this Act; or
- (b) an exploration permit granted under section 22 of the repealed *Petroleum (Submerged Lands) Act 1967*; or
- (c) a petroleum exploration permit granted under Division 5 of Part 2.2 of this Act by way of the renewal of a permit referred to in paragraph (a) or (b); or
- (d) an exploration permit granted under section 32 of the repealed *Petroleum (Submerged Lands) Act 1967* by way of the renewal of a permit referred to in paragraph (b).

8 Offshore areas of the States and Territories

- (1) For the purposes of this Act, the table has effect:

Offshore areas		
Item	The offshore area of...	is...
1	(a) New South Wales; or (b) Victoria; or (c) South Australia; or (d) Tasmania	so much of the scheduled area for that State as comprises waters of the sea that are: (a) beyond the outer limits of the coastal waters of that State; and (b) within the outer limits of the continental shelf.

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Offshore areas		
Item	The offshore area of...	is...
2	Queensland	both of the following areas: (a) so much of the scheduled area for Queensland as comprises waters of the sea that are: (i) beyond the outer limits of the coastal waters of Queensland; and (ii) within the outer limits of the continental shelf; (b) the Coral Sea area (as defined by subsection (2)).
3	Western Australia	so much of the scheduled area for Western Australia as comprises waters of the sea that are: (a) beyond the outer limits of the coastal waters of Western Australia; and (b) within the outer limits of the continental shelf.
4	the Northern Territory	both of the following: (a) so much of the scheduled area for the Northern Territory as comprises waters of the sea that are: (i) beyond the outer limits of the coastal waters of the Northern Territory; and (ii) within the outer limits of the continental shelf; (b) the Eastern Greater Sunrise offshore area.
5	the Territory of Ashmore and Cartier Islands	so much of the scheduled area for that Territory as consists of land and water that is within the outer limits of the continental shelf.

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Item	The offshore area of...	is...
6	Norfolk Island	the area whose boundaries are: (a) the coastline at mean low water of Norfolk Island; and (b) the outer limit of the superjacent waters of the continental shelf adjacent to the coast of Norfolk Island.
7	the Territory of Heard Island and McDonald Islands	the area whose boundaries are: (a) the coastlines at mean low water of the islands comprising that Territory; and (b) the outer limit of the superjacent waters of the continental shelf adjacent to the coasts of those islands.
8	the Territory of Christmas Island	the area whose boundaries are: (a) the coastline at mean low water of Christmas Island; and (b) the outer limit of the superjacent waters of the continental shelf adjacent to the coast of Christmas Island.

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Item	The offshore area of...	is...
9	the Territory of Cocos (Keeling) Islands	both of the following areas: (a) the area whose boundaries are the coastline at mean low water of the north atoll of that Territory (otherwise called North Keeling Island), and the outer limit of the superjacent waters of the continental shelf adjacent to the coast of that Island; (b) the area whose boundaries are the coastlines at mean low water of the remaining islands of that Territory, and the outer limit of the superjacent waters of the continental shelf adjacent to the coasts of those islands.

Note: The offshore area of a State or Territory corresponds to the adjacent area under the repealed *Petroleum (Submerged Lands) Act 1967*.

- (2) For the purposes of this section, the ***Coral Sea area*** is so much of the area to the east of the area described in paragraph (a) of item 2 of the table in subsection (1) as comprises waters of the sea that are within the outer limits of the continental shelf, other than any part of that area that is:
- (a) to the south of the parallel of Latitude 25°S; or
 - (b) on the landward side of the coastline of any island at mean low water.

Note: For datum, see section 40.

Territory of Ashmore and Cartier Islands—land taken to be beneath the sea etc.

- (3) This Act has effect in relation to so much of the offshore area of the Territory of Ashmore and Cartier Islands as consists of land as if that land were:
- (a) beneath the sea; and

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(b) part of the seabed and subsoil of that offshore area.

Areas of the continental shelf over which Australia does not exercise sovereign rights

(4) For the purposes of:

(a) an item in the table in subsection (1); and

(b) subsection (2);

the continental shelf does not include any area of seabed and subsoil that, as a result of an agreement in force between Australia and a foreign country, is not an area over which Australia exercises sovereign rights.

8A Pipeline international offshore areas treated as offshore areas

(1) The provisions of this Act listed in subsection (2), and regulations or other instruments made for the purposes of those provisions, apply in relation to each of the following areas as if it were an offshore area:

(a) the Bayu-Undan pipeline international offshore area (which is described in Schedule 8);

(b) the Greater Sunrise pipeline international offshore area (if it is declared under section 780P).

(2) The provisions are as follows:

(a) the following definitions in section 7:

(i) definition of *Joint Authority*;

(ii) definition of *petroleum pipeline*;

(iii) definition of *secondary line*;

(b) section 9;

(c) section 16;

(d) section 30;

(e) subsection 56(1);

(f) Division 1 of Part 2.6;

(g) subsection 221(5) so far as it refers to construction in an offshore area of a petroleum pipeline but not so far as it

refers to petroleum recovered from a place beyond the outer limits of any offshore area;

- (h) Division 3 of Part 2.6;
- (i) Division 1 of Part 2.12;
- (j) section 280;
- (k) Parts 4.1 and 4.2;
- (l) Parts 6.1, 6.1A and 6.2;
- (m) Division 1 of Part 6.4;
- (n) Divisions 1, 4, 5 and 6 of Part 6.5;
- (o) Divisions 1 and 2 of Part 6.6;
- (p) section 695R;
- (q) Part 7.1;
- (r) section 778;
- (s) subsection 780A(5);
- (t) items 12 and 13 of the table in subsection 782(1).

Note: Although the Greater Sunrise pipeline international offshore area is treated as an offshore area for the purposes of only one of the references to offshore area in Division 2 (Obtaining a pipeline licence) of Part 2.6 (see paragraph (g) of this subsection), that does not prevent an application for, or the grant of, a pipeline licence for a petroleum pipeline in the Greater Sunrise pipeline international offshore area.

Other modifications

- (3) Paragraphs 227(6)(d) and 506(1)(f) apply as if:
 - (a) the Bayu-Undan pipeline international offshore area were an offshore area relating to Western Australia; and
 - (b) the Greater Sunrise pipeline international offshore area were an offshore area relating to the Northern Territory.

Other modifications relating to Bayu-Undan pipeline international offshore area

- (4) Despite subsection 217(1), a person cannot apply for the grant of a pipeline licence authorising construction of a pipeline in the Bayu-Undan pipeline international offshore area.

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Note: On the commencement of this section, a pipeline licence is automatically granted authorising the pipeline that existed in the Bayu-Undan pipeline international offshore area immediately before that commencement: see Schedule 1 to the *Timor Sea Maritime Boundaries Treaty Consequential Amendments Act 2019*.

Other modifications relating to Greater Sunrise pipeline international offshore area

- (5) Subsections 223(2) and (3) apply to an application for a pipeline licence relating to the construction of a petroleum pipeline in the Greater Sunrise pipeline international offshore area as if:
- (a) references in paragraphs 223(2)(a) and (3)(a) to a petroleum production licence area were references to the Greater Sunrise special regime area; and
 - (b) references in paragraphs 223(2)(b) and (3)(b) to the petroleum production licensee were references to a person covered by the definition of **Greater Sunrise Contractor** in paragraph 1(i) of Article 1 of the Timor Sea Maritime Boundaries Treaty; and
 - (c) the reference in subparagraph 223(2)(c)(i) to the petroleum production licence were a reference to the Greater Sunrise Production Sharing Contract within the meaning of that treaty.
- (6) Item 5 of the table in subsection 262(1) applies in relation to a pipeline licence relating to the construction of a petroleum pipeline in the Greater Sunrise pipeline international offshore area as if the references to a petroleum production licensee and the licensee were a reference to a person who:
- (a) applied for the pipeline licence; and
 - (b) is a person covered by the definition of **Greater Sunrise Contractor** in paragraph 1(i) of Article 1 of the Timor Sea Maritime Boundaries Treaty.

9 Spaces above and below offshore areas

For the purposes of this Act:

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- (a) the space above or below an offshore area is taken to be in that area; and
- (b) the space above or below an area that is part of an offshore area is taken to be in that part.

10 Term of titles

Petroleum titles

- (1) For the purposes of this Act, the table has effect:

Term of title etc.		
Item	A reference in this Act to...	is a reference to...
1	the term of: (a) a petroleum exploration permit; or (b) a petroleum retention lease; or (c) a petroleum production licence; or (d) an infrastructure licence; or (e) a pipeline licence; or (f) a petroleum special prospecting authority; or (g) a petroleum access authority;	the period during which the permit, lease, licence or authority remains in force.
2	a year of the term of: (a) a petroleum exploration permit; or (b) a petroleum retention lease; or (c) a petroleum production licence; or (d) an infrastructure licence; or (e) a pipeline licence;	a period of one year beginning on: (a) the day on which the permit, lease or licence comes into force; or (b) any anniversary of that day.

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Term of title etc.		
Item	A reference in this Act to...	is a reference to...
3	the expiry date of: (a) a petroleum exploration permit; or (b) a petroleum retention lease; or (c) a petroleum production licence;	the day on which the permit, lease or licence ceases to be in force.

Greenhouse gas titles

(2) For the purposes of this Act, the table has effect:

Term of title etc.		
Item	A reference in this Act to...	is a reference to...
1	the term of: (a) a greenhouse gas assessment permit; or (b) a greenhouse gas holding lease; or (c) a greenhouse gas injection licence; or (d) a greenhouse gas search authority; or (e) a greenhouse gas special authority;	the period during which the permit, lease, licence or authority remains in force.
2	a year of the term of: (a) a greenhouse gas assessment permit; or (b) a greenhouse gas holding lease; or (c) a greenhouse gas injection licence;	a period of one year beginning on: (a) the day on which the permit, lease or licence comes into force; or (b) any anniversary of that day.
3	the expiry date of:	the day on which the permit or lease

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Term of title etc.		
Item	A reference in this Act to...	is a reference to...
	(a) a greenhouse gas assessment permit; or	ceases to be in force.
	(b) a greenhouse gas holding lease (other than a special greenhouse gas holding lease);	

11 Renewal of titles

Petroleum titles

(1) For the purposes of this Act, the table has effect:

Renewal of titles		
	Column 1	Column 2
Item	A reference in this Act to...	is a reference to...
1	the renewal, or the grant of a renewal, of a petroleum exploration permit	the grant of a petroleum exploration permit over some or all of the blocks specified in the permit mentioned in column 1, to begin on: (a) the day after the expiry date of the permit mentioned in column 1; or (b) the day after the expiry date of the petroleum exploration permit granted on a previous renewal of the permit mentioned in column 1.
2	the renewal, or the grant of a renewal, of a petroleum retention lease	the grant of a petroleum retention lease over all of the blocks in relation to which the lease mentioned in column 1 was in force, to begin on: (a) the day after the expiry date of the lease mentioned in column 1; or (b) the day after the expiry date of the petroleum retention lease granted on

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Renewal of titles		
Column 1		Column 2
Item	A reference in this Act to...	is a reference to...
		a previous renewal of the lease mentioned in column 1.
3	the renewal, or the grant of a renewal, of a petroleum production licence	<p>the grant of a petroleum production licence over the block or blocks specified in the licence mentioned in column 1, to begin on:</p> <p>(a) the day after the expiry date of the licence mentioned in column 1; or</p> <p>(b) the day after the expiry date of the petroleum production licence granted on a previous renewal of the licence mentioned in column 1.</p>

(1A) If:

- (a) a petroleum exploration permit has been granted on the basis that an area (the *relevant area*) is within the offshore area of a State or the Northern Territory; and
- (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceases to be within the offshore area of the State or Territory; and
 - (ii) falls within the coastal waters of the State or Territory; and
- (c) immediately before the change, the relevant area was a part of the permit area;

then, in determining what constitutes the renewal, or the grant of a renewal, of the permit, item 1 of the table in subsection (1) has effect as if:

- (d) the permit had been varied to exclude from the permit area any area that is not within the offshore area of the State or Territory; and
- (e) the variation had taken effect immediately after the change.

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Note: This means that an application for renewal of the permit may be made, and the permit may be renewed, as if the permit had been so varied.

(1B) For the purposes of subsection (1A):

- (a) disregard section 283; and
- (b) it is immaterial whether the change occurred before, at or after the commencement of this subsection.

(1C) If:

- (a) a petroleum retention lease has been granted on the basis that an area (the **relevant area**) is within the offshore area of a State or the Northern Territory; and
- (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceases to be within the offshore area of the State or Territory; and
 - (ii) falls within the coastal waters of the State or Territory; and
- (c) immediately before the change, the relevant area was a part of the lease area;

then, in determining what constitutes the renewal, or the grant of a renewal, of the lease, item 2 of the table in subsection (1) has effect as if:

- (d) the lease had been varied to exclude from the lease area any area that is not within the offshore area of the State or Territory; and
- (e) the variation had taken effect immediately after the change.

Note: This means that an application for renewal of the lease may be made, and the lease may be renewed, as if the lease had been so varied.

(1D) For the purposes of subsection (1C):

- (a) disregard section 283; and
- (b) it is immaterial whether the change occurred before, at or after the commencement of this subsection.

(1E) If:

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- (a) a petroleum production licence has been granted on the basis that an area (the **relevant area**) is within the offshore area of a State or the Northern Territory; and
- (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceases to be within the offshore area of the State or Territory; and
 - (ii) falls within the coastal waters of the State or Territory; and
- (c) immediately before the change, the relevant area was a part of the licence area;

then, in determining what constitutes the renewal, or the grant of a renewal, of the licence, item 3 of the table in subsection (1) has effect as if:

- (d) the licence had been varied to exclude from the licence area any area that is not within the offshore area of the State or Territory; and
- (e) the variation had taken effect immediately after the change.

Note: This means that an application for renewal of the licence may be made, and the licence may be renewed, as if the licence had been so varied.

(1F) For the purposes of subsection (1E):

- (a) disregard section 283; and
- (b) it is immaterial whether the change occurred before, at or after the commencement of this subsection.

Greenhouse gas titles

(2) For the purposes of this Act, the table has effect:

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Renewal of title		
	Column 1	Column 2
Item	A reference in this Act to...	is a reference to...
1A	the renewal, or the grant of a renewal, of a greenhouse gas assessment permit	the grant of a greenhouse gas assessment permit over all of the blocks in relation to which the permit mentioned in column 1 was in force, to begin on the day after the expiry date of the permit mentioned in column 1.
1	the renewal, or the grant of a renewal, of a greenhouse gas holding lease	the grant of a greenhouse gas holding lease over all of the blocks in relation to which the lease mentioned in column 1 was in force, to begin on the day after the expiry date of the lease mentioned in column 1.

(3) If:

- (a) a greenhouse gas assessment permit has been granted on the basis that an area (the **relevant area**) is within the offshore area of a State or the Northern Territory; and
- (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceases to be within the offshore area of the State or Territory; and
 - (ii) falls within the coastal waters of the State or Territory; and
- (c) immediately before the change, the relevant area was a part of the permit area;

then, in determining what constitutes the renewal, or the grant of a renewal, of the permit, item 1A of the table in subsection (2) has effect as if:

- (d) the permit had been varied to exclude from the permit area any area that is not within the offshore area of the State or Territory; and
- (e) the variation had taken effect immediately after the change.

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Note: This means that an application for renewal of the permit may be made, and the permit may be renewed, as if the permit had been so varied.

(4) For the purposes of subsection (3):

- (a) disregard section 463; and
- (b) it is immaterial whether the change occurred before, at or after the commencement of this subsection.

(5) If:

- (a) a greenhouse gas holding lease has been granted on the basis that an area (the **relevant area**) is within the offshore area of a State or the Northern Territory; and
- (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceases to be within the offshore area of the State or Territory; and
 - (ii) falls within the coastal waters of the State or Territory; and
- (c) immediately before the change, the relevant area was a part of the lease area;

then, in determining what constitutes the renewal, or the grant of a renewal, of the lease, item 1 of the table in subsection (2) has effect as if:

- (d) the lease had been varied to exclude from the lease area any area that is not within the offshore area of the State or Territory; and
- (e) the variation had taken effect immediately after the change.

Note: This means that an application for renewal of the lease may be made, and the lease may be renewed, as if the lease had been so varied.

(6) For the purposes of subsection (5):

- (a) disregard section 463; and
- (b) it is immaterial whether the change occurred before, at or after the commencement of this subsection.

12 Variation of titles

Petroleum titles

- (1) If a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence, pipeline licence, petroleum special prospecting authority or petroleum access authority is varied, a reference in this Act to the permit, lease, licence or authority is a reference to the permit, lease, licence or authority as varied.

Greenhouse gas titles

- (2) If:
- (a) a greenhouse gas assessment permit; or
 - (b) a greenhouse gas holding lease; or
 - (c) a greenhouse gas injection licence; or
 - (d) a greenhouse gas search authority; or
 - (e) a greenhouse gas special authority;
- is varied, a reference in this Act to the permit, lease, licence or authority is a reference to the permit, lease, licence or authority as varied.

13 Tied titles

Scope

- (1) This section applies if a greenhouse gas holding lease (the ***greenhouse gas lease***) is granted under section 345 to the registered holder of a petroleum retention lease (the ***petroleum lease***).

Tied titles

- (2) For the purposes of this Act, each of the following:
- (a) the greenhouse gas lease;
 - (b) a greenhouse gas holding lease granted by way of renewal of the greenhouse gas lease;

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- (c) a greenhouse gas injection licence derived from a lease referred to in paragraph (a) or (b);
- is *tied* to each of the following:
- (d) the petroleum lease;
- (e) a petroleum retention lease granted by way of renewal of the petroleum lease;
- (f) a petroleum production licence derived from a lease referred to in paragraph (d) or (e).

14 Vacated area

For the purposes of this Act, the table has effect:

Vacated area		
Item	In the case of...	the <i>vacated area</i> is...
1	a petroleum exploration permit, petroleum retention lease or petroleum production licence that has expired	the area constituted by the blocks over which the permit, lease or licence was in force but has not been renewed.
2	a petroleum exploration permit, petroleum retention lease or petroleum production licence that has been wholly revoked or partly revoked	the area constituted by the blocks as to which the permit, lease or licence was so revoked.
3	a petroleum exploration permit or petroleum production licence that has been wholly cancelled or partly cancelled	the area constituted by the blocks as to which the permit or licence was so cancelled.
4	a petroleum retention lease that has been cancelled	the lease area.
5	a petroleum production licence that has been terminated	the licence area.
6	an infrastructure licence that has been cancelled or terminated	the licence area.

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Vacated area		
Item	In the case of...	the <i>vacated area</i> is...
7	a pipeline licence that has been wholly or partly terminated	the part of the offshore area in which the pipeline or the part of the pipeline was constructed.
8	a pipeline licence that has been wholly cancelled or partly cancelled	the part of the offshore area in which the pipeline or the part of the pipeline was constructed.
9	a petroleum special prospecting authority that: (a) has been surrendered or cancelled; or (b) has expired	the authority area.
10	a petroleum access authority that: (a) has been revoked or surrendered; or (b) has expired	the authority area.
11	a greenhouse gas assessment permit that has expired	the area constituted by the blocks over which the permit was in force but has not been renewed.
12	a greenhouse gas holding lease (other than a special greenhouse gas holding licence) that has expired	the area constituted by the blocks over which the lease was in force but has not been renewed.
13	a greenhouse gas assessment permit that has been cancelled	the permit area.
14	a greenhouse gas holding lease that has been cancelled	the lease area.
15	a greenhouse gas injection licence that has been cancelled	the licence area.
16	a greenhouse gas search authority that: (a) has been surrendered or cancelled; or (b) has expired	the authority area.

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Vacated area		
Item	In the case of...	the <i>vacated area</i> is...
17	a greenhouse gas special authority that: (a) has been revoked or surrendered; or (b) has expired	the authority area.

15 Infrastructure facilities

Definition

- (1) For the purposes of this Act, an ***infrastructure facility*** is a facility, structure or installation for engaging in any of the activities to which subsection (2) or (3) applies, so long as:
- (a) the facility, structure or installation rests on the seabed; or
 - (b) the facility, structure or installation is fixed or connected to the seabed (whether or not the facility is floating); or
 - (c) the facility, structure or installation is attached or tethered to a facility, structure or installation referred to in paragraph (a) or (b).

Petroleum activities

- (2) This subsection applies to the following activities:
- (a) remote control of facilities, structures or installations used to recover petroleum in a petroleum production licence area;
 - (b) processing petroleum recovered in any place, including:
 - (i) converting petroleum into another form by physical or chemical means, or both (for example, converting it into liquefied natural gas or methanol); and
 - (ii) partial processing of petroleum (for example, by removing water);
 - (c) storing petroleum before it is transported to another place;

- (d) preparing petroleum for transport to another place (for example, pumping or compressing);
 - (e) activities related to any of the above;
- but, except as mentioned in paragraph (a), this subsection does not apply to exploring for, or recovering, petroleum.

Greenhouse gas activities

- (3) This subsection applies to the following activities:
- (a) activities preparatory to injecting a greenhouse gas substance into an identified greenhouse gas storage formation (for example, controlling the flow of a greenhouse gas substance into the relevant well);
 - (b) preparing a greenhouse gas substance for injection into an identified greenhouse gas storage formation (for example, pumping, processing or compressing);
 - (c) preparing a greenhouse gas substance for transport to another place (for example, pumping or compressing);
 - (d) storing a greenhouse gas substance before it is:
 - (i) transported to another place; or
 - (ii) injected into an identified greenhouse gas storage formation; or
 - (iii) subjected to any other activity at a facility, structure or installation;
 - (e) monitoring the behaviour of a greenhouse gas substance stored in an identified greenhouse gas storage formation;
 - (f) remote control of facilities, structures or installations used to:
 - (i) inject a greenhouse gas substance into an identified greenhouse gas storage formation; or
 - (ii) store a greenhouse gas substance in an identified greenhouse gas storage formation; or
 - (iii) do anything mentioned in any of the above paragraphs;
 - (g) activities related to any of the above.

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- (4) For the purposes of subsection (3), the injection of a greenhouse gas substance into an identified greenhouse gas storage formation is taken to take place at the top of the relevant well.

16 Terminal station

- (1) The Titles Administrator may, by notice published in the *Gazette*, declare any of the following to be a terminal station for the purposes of this Act:
- (a) a specified petroleum pumping station in an offshore area;
 - (b) a specified petroleum tank station in an offshore area;
 - (c) a specified petroleum valve station in an offshore area.
- (2) A declaration under subsection (1) has effect accordingly.
- (3) To avoid doubt, a declaration may be made under subsection (1) whether or not a person has applied for a pipeline licence.

17 Terminal point

- (1) The responsible Commonwealth Minister may, by notice published in the *Gazette*, declare that a specified point on a pipe, or system of pipes, for conveying a greenhouse gas substance is a ***terminal point*** for the purposes of this Act.
- (2) A declaration under subsection (1) has effect accordingly.
- (3) To avoid doubt, a declaration may be made under subsection (1) whether or not a person has applied for a pipeline licence.

18 Declared greenhouse gas facility

- (1) The responsible Commonwealth Minister may, by notice published in the *Gazette*, declare that a specified facility, structure or installation in a greenhouse gas injection licence area is a ***declared greenhouse gas facility*** for the purposes of this Act.
- (2) A declaration under subsection (1) has effect accordingly.

19 Extended meaning of *explore*

Petroleum

- (1) For the purposes of this Act, if:
- (a) a person:
 - (i) carries out a seismic survey, or any other kind of survey, in an offshore area; or
 - (ii) takes samples of the seabed or subsoil of an offshore area; and
 - (b) the person does so with the intention that the person or another could use the survey data, or information derived from the samples, as the case may be, for the purpose of discovering petroleum;
- the person is taken to ***explore*** for petroleum.

Potential greenhouse gas storage formation

- (2) For the purposes of this Act, if:
- (a) a person:
 - (i) carries out a seismic survey, or any other kind of survey, in an offshore area; or
 - (ii) takes samples of the seabed or subsoil of an offshore area; and
 - (b) the person does so with the intention that the person or another could use the survey data, or information derived from the samples, as the case may be, for the purpose of discovering one or more potential greenhouse gas storage formations;
- the person is taken to ***explore*** for those potential greenhouse gas storage formations.
- (3) For the purposes of this Act, if:
- (a) a person has reasonable grounds to suspect that a part of a geological formation could be an eligible greenhouse gas storage formation; and

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- (b) the person carries out an activity for the purposes of ascertaining either or both of the following:
 - (i) the spatial extent of the eligible greenhouse gas storage formation;
 - (ii) any of the fundamental suitability determinants of the eligible greenhouse gas storage formation;

the person is taken to **explore** for a potential greenhouse gas formation.

Potential greenhouse gas injection site

- (4) For the purposes of this Act, if:
 - (a) a person:
 - (i) carries out a seismic survey, or any other kind of survey, in an offshore area; or
 - (ii) takes samples of the seabed or subsoil of an offshore area; and
 - (b) the person does so with the intention that the person or another could use the survey data, or information derived from the samples, as the case may be, for the purpose of discovering one or more potential greenhouse gas injection sites;

the person is taken to **explore** for those potential greenhouse gas injection sites.

20 Potential greenhouse gas storage formation

- (1) For the purposes of this Act, a **potential greenhouse gas storage formation** is a part of a geological formation, where that part is suitable, with or without engineering enhancements, for the permanent storage of a greenhouse gas substance injected into that part.
- (2) For the purposes of subsection (1), it is not necessary to identify the greenhouse gas substance.
- (3) For the purposes of subsection (1), in determining whether a part of a geological formation is suitable, with or without engineering

enhancements, for the permanent storage of a greenhouse gas substance injected into that part, regard may be had to reasonably foreseeable technological developments.

21 Eligible greenhouse gas storage formation

- (1) For the purposes of this Act, an ***eligible greenhouse gas storage formation*** is a part of a geological formation, where that part:
 - (a) is suitable, without engineering enhancements, for the permanent storage of a particular amount of a particular greenhouse gas substance injected at a particular point or points into that part over a particular period; or
 - (b) is suitable, with engineering enhancements, for the permanent storage of a particular amount of a particular greenhouse gas substance injected at a particular point or points into that part over a particular period.
- (2) An amount referred to in paragraph (1)(a) or (b) must be at least 100,000 tonnes.

Spatial extent

- (3) For the purposes of this Act, the ***spatial extent*** of an eligible greenhouse gas storage formation is the expected migration pathway or pathways, over the period:
 - (a) beginning at the start of the particular period referred to in whichever of paragraph (1)(a) or (b) is applicable; and
 - (b) ending at the notional site closing certificate time;of the particular amount of the particular greenhouse gas substance injected as mentioned in whichever of paragraph (1)(a) or (b) is applicable.
- (4) In determining the spatial extent of an eligible greenhouse gas storage formation, regard must be had to:
 - (a) the fundamental suitability determinants; and
 - (b) such other matters as are relevant.

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- (5) The regulations may provide that the expected migration pathway or pathways are to be ascertained on the basis of:
- (a) one or more assumptions (if any) specified in the regulations; and
 - (b) a level of probability specified in the regulations; and
 - (c) a methodology (if any) specified in the regulations.

Notional site closing certificate time

- (6) For the purposes of the application of this section to a part of a geological formation covered by paragraph (1)(a), the ***notional site closing certificate time*** is worked out as follows:
- (a) assume that the particular amount of the particular greenhouse gas substance referred to in that paragraph was injected at the particular point or points referred to in that paragraph over the particular period referred to in that paragraph;
 - (b) assume that, throughout that period, that part was an identified greenhouse gas storage formation;
 - (c) assume that, throughout that period, operations for the injection of the greenhouse gas substance into that part:
 - (i) were authorised by a greenhouse gas injection licence; and
 - (ii) complied with the requirements of this Act and the regulations;
 - (d) assume that, at the end of that period, operations for the injection of the greenhouse gas substance into that part ceased;
 - (e) estimate the earliest time after the end of that period when the responsible Commonwealth Minister would be in a position to issue a site closing certificate in relation to the identified greenhouse gas storage formation;
 - (f) that time is the ***notional site closing certificate time***.
- (7) For the purposes of the application of this section to a part of a geological formation covered by paragraph (1)(b), the ***notional site closing certificate time*** is worked out as follows:

- (a) assume that the engineering enhancements referred to in that paragraph had been made;
 - (b) assume that the particular amount of the particular greenhouse gas substance referred to in that paragraph was injected at the particular point or points referred to in that paragraph over the particular period referred to in that paragraph;
 - (c) assume that, throughout that period, that part was an identified greenhouse gas storage formation;
 - (d) assume that, throughout that period, operations for the injection of the greenhouse gas substance into that part:
 - (i) were authorised by a greenhouse gas injection licence; and
 - (ii) complied with the requirements of this Act and the regulations;
 - (e) assume that, at the end of that period, operations for the injection of the greenhouse gas substance into that part ceased;
 - (f) estimate the earliest time after the end of that period when the responsible Commonwealth Minister would be in a position to issue a site closing certificate in relation to the identified greenhouse gas storage formation;
 - (g) that time is the ***notional site closing certificate time***.
- (7A) In making an estimate under paragraph (6)(e) or (7)(f), disregard subsection 388(8).

Fundamental suitability determinants

- (8) For the purposes of this Act, the following are the ***fundamental suitability determinants*** of an eligible greenhouse gas storage formation:
- (a) the particular amount referred to in whichever of paragraph (1)(a) or (b) is applicable;
 - (b) the particular greenhouse gas substance referred to in whichever of paragraph (1)(a) or (b) is applicable;

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- (c) the particular point or points referred to in whichever of paragraph (1)(a) or (b) is applicable;
- (d) the particular period referred to in whichever of paragraph (1)(a) or (b) is applicable;
- (e) if paragraph (1)(b) is applicable—the engineering enhancements referred to in that paragraph;
- (f) the effective sealing feature, attribute or mechanism that enables the permanent storage referred to in whichever of paragraph (1)(a) or (b) is applicable.

22 Potential greenhouse gas injection site

For the purposes of this Act, a ***potential greenhouse gas injection site*** is a place that:

- (a) is a suitable place to make a well or wells to inject a greenhouse gas substance into a part of a geological formation; and
- (b) is wholly situated in one or more offshore areas.

23 Incidental greenhouse gas-related substance

Scope

- (1) This section applies if either or both of the following substances (***primary greenhouse gas substances***) are captured from a particular source material:
 - (a) carbon dioxide;
 - (b) one or more prescribed greenhouse gases.

Incidental greenhouse gas-related substance

- (2) For the purposes of this Act, the following are ***incidental greenhouse gas-related substances*** in relation to a primary greenhouse gas substance:
 - (a) any substance that is incidentally derived from the source material;
 - (b) any substance that is incidentally derived from the capture;

- (c) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is transported—any substance that is incidentally derived from the transportation;
- (d) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is injected into a part of a geological formation—any substance that is incidentally derived from the injection;
- (e) if the primary greenhouse gas substance, whether in a pure form or in a mixture with other substances, is stored in a part of a geological formation—any substance that is incidentally derived from the storage.

24 Site plan—identified greenhouse gas storage formation

For the purposes of this Act, a *site plan*, in relation to an identified greenhouse gas storage formation, is a document that:

- (a) relates to the identified greenhouse gas storage formation; and
- (b) complies with such requirements as are specified in the regulations; and
- (c) is divided into the following parts:
 - (i) Part A, which sets out predictions for the behaviour of a greenhouse gas substance stored in the identified greenhouse gas storage formation;
 - (ii) Part B, which deals with other matters.

25 Significant risk of a significant adverse impact—approval of key petroleum operations

- (1) For the purposes of sections 100, 101, 137, 138, 163 and 164 and paragraph 749(2)(a), the question of whether there is a significant risk that a key petroleum operation will have a significant adverse impact on:
 - (a) operations for the injection of a greenhouse gas substance; or
 - (b) operations for the storage of a greenhouse gas substance;

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is to be determined in a manner ascertained in accordance with the regulations.

- (2) A manner ascertained in accordance with regulations made for the purposes of subsection (1) must take into account:
 - (a) the probability, or range of probabilities, of the occurrence of the adverse impact; and
 - (b) the economic consequences of the adverse impact; and
 - (c) the economic consequences of the adverse impact relative to the potential economic value of the operations referred to in whichever of paragraph (1)(a) or (b) is applicable.
- (3) Subsection (2) does not limit the matters that may be taken into account.
- (4) Subsections (1) and (2) have effect subject to subsections (5) and (6).
- (5) For the purposes of sections 100, 101, 137, 138, 163 and 164 and paragraph 749(2)(a), a key petroleum operation will have an adverse impact on:
 - (a) operations for the injection of a greenhouse gas substance; or
 - (b) operations for the storage of a greenhouse gas substance; (the **relevant greenhouse gas operations**) if, and only if, the key petroleum operation will result in:
 - (c) an increase in the capital costs (other than prescribed costs) of the relevant greenhouse gas operations; or
 - (d) an increase in the operating costs (other than prescribed costs) of the relevant greenhouse gas operations; or
 - (e) a reduction in the rate of injection of the greenhouse gas substance; or
 - (f) a reduction in the quantity of the greenhouse gas substance that will be able to be stored.
- (6) For the purposes of sections 100, 101, 137, 138, 163 and 164 and paragraph 749(2)(a), if there is a risk that a key petroleum operation will have an adverse impact on:
 - (a) operations for the injection of a greenhouse gas substance; or

(b) operations for the storage of a greenhouse gas substance;
then that risk is not to be treated as significant, and that adverse impact is not to be treated as significant, if the amount that, under the regulations, is taken to be the probability-weighted impact cost of the key petroleum operation is less than the amount that, under the regulations, is taken to be the threshold amount.

26 Significant risk of a significant adverse impact—grant of petroleum production licence

- (1) For the purposes of sections 171 and 173, the question of whether there is a significant risk that any of the operations that could be carried on under a petroleum production licence will have a significant adverse impact on operations that are being, or could be, carried on under:
 - (a) a greenhouse gas assessment permit; or
 - (b) a greenhouse gas holding lease; or
 - (c) a greenhouse gas injection licence;is to be determined in a manner ascertained in accordance with the regulations.
- (2) A manner ascertained in accordance with regulations made for the purposes of subsection (1) must take into account:
 - (a) the probability, or range of probabilities, of the occurrence of the adverse impact; and
 - (b) the economic consequences of the adverse impact; and
 - (c) the economic consequences of the adverse impact relative to the potential economic value of the operations that are being, or could be, carried on under the permit, lease or licence referred to in whichever of paragraph (1)(a), (b) or (c) is applicable.
- (3) Subsection (2) does not limit the matters that may be taken into account.
- (4) Subsections (1) and (2) have effect subject to subsections (5) and (6).

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- (5) For the purposes of sections 171 and 173, an operation that could be carried on under a petroleum production licence (the ***petroleum production licence operation***) will have an adverse impact on operations (the ***relevant greenhouse gas operations***) that are being, or could be, carried on under:
- (a) a greenhouse gas assessment permit; or
 - (b) a greenhouse gas holding lease; or
 - (c) a greenhouse gas injection licence;
- if, and only if, the petroleum production licence operation will result in:
- (d) an increase in the capital costs (other than prescribed costs) of the relevant greenhouse gas operations; or
 - (e) an increase in the operating costs (other than prescribed costs) of the relevant greenhouse gas operations; or
 - (f) a reduction in the rate of injection of the greenhouse gas substance; or
 - (g) a reduction in the quantity of the greenhouse gas substance that will be able to be stored.
- (6) For the purposes of sections 171 and 173, if there is a risk that an operation that could be carried on under a petroleum production licence (the ***petroleum production licence operation***) will have an adverse impact on operations that are being, or could be, carried on under:
- (a) a greenhouse gas assessment permit; or
 - (b) a greenhouse gas holding lease; or
 - (c) a greenhouse gas injection licence;
- then that risk is not to be treated as significant, and that adverse impact is not to be treated as significant, if the amount that, under the regulations, is taken to be the probability-weighted impact cost of the petroleum production licence operation is less than the amount that, under the regulations, is taken to be the threshold amount.

27 Significant risk of a significant adverse impact—approval of key greenhouse gas operations

- (1) For the purposes of sections 292 and 321 and paragraph 749(2)(b), the question of whether there is a significant risk that a key greenhouse gas operation will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:
 - (a) an existing petroleum exploration permit; or
 - (b) an existing petroleum retention lease; or
 - (c) an existing petroleum production licence; or
 - (d) a future petroleum exploration permit; or
 - (e) a future petroleum retention lease; or
 - (f) a future petroleum production licence;is to be determined in a manner ascertained in accordance with the regulations.
- (2) A manner ascertained in accordance with regulations made for the purposes of subsection (1) must take into account:
 - (a) the probability, or range of probabilities, of the occurrence of the adverse impact; and
 - (b) the economic consequences of the adverse impact; and
 - (c) the economic consequences of the adverse impact relative to the potential economic value of the petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under the permit, lease or licence referred to in whichever of paragraph (1)(a), (b), (c), (d), (e) or (f) is applicable.
- (3) Subsection (2) does not limit the matters that may be taken into account.
- (4) Subsections (1) and (2) have effect subject to subsections (5) and (6).
- (5) For the purposes of sections 292 and 321 and paragraph 749(2)(b), a key greenhouse gas operation will have an adverse impact on

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petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

- (a) an existing petroleum exploration permit; or
- (b) an existing petroleum retention lease; or
- (c) an existing petroleum production licence; or
- (d) a future petroleum exploration permit; or
- (e) a future petroleum retention lease; or
- (f) a future petroleum production licence;

if, and only if, the key greenhouse gas operation will result in:

- (g) an increase in the capital costs (other than prescribed costs) of the petroleum exploration operations or petroleum recovery operations; or
- (h) an increase in the operating costs (other than prescribed costs) of the petroleum exploration operations or petroleum recovery operations; or
- (i) a reduction in the rate of recovery of the petroleum; or
- (j) a reduction in the quantity of the petroleum that will be able to be recovered.

- (6) For the purposes of sections 292 and 321 and paragraph 749(2)(b), if there is a risk that a key greenhouse gas operation will have an adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

- (a) an existing petroleum exploration permit; or
 - (b) an existing petroleum retention lease; or
 - (c) an existing petroleum production licence; or
 - (d) a future petroleum exploration permit; or
 - (e) a future petroleum retention lease; or
 - (f) a future petroleum production licence;

then that risk is not to be treated as significant, and that adverse impact is not to be treated as significant, if the amount that, under the regulations, is taken to be the probability-weighted impact cost of the key greenhouse gas operation is less than the amount that, under the regulations, is taken to be the threshold amount.

28 Significant risk of a significant adverse impact—grant of greenhouse gas injection licence

- (1) For the purposes of sections 362 and 370 and paragraph 749(2)(c), the question of whether there is a significant risk that any of the operations that could be carried on under a greenhouse gas injection licence will have a significant adverse impact on operations that are being, or could be, carried on under:
- (a) an existing petroleum exploration permit; or
 - (b) an existing petroleum retention lease; or
 - (c) an existing petroleum production licence; or
 - (d) a future petroleum exploration permit; or
 - (e) a future petroleum retention lease; or
 - (f) a future petroleum production licence;
- is to be determined in a manner ascertained in accordance with the regulations.
- (2) A manner ascertained in accordance with regulations made for the purposes of subsection (1) must take into account:
- (a) the probability, or range of probabilities, of the occurrence of the adverse impact; and
 - (b) the economic consequences of the adverse impact; and
 - (c) the economic consequences of the adverse impact relative to the potential economic value of the operations that are being, or could be, carried on under the permit, lease or licence referred to in whichever of paragraph (1)(a), (b), (c), (d), (e) or (f) is applicable.
- (3) Subsection (2) does not limit the matters that may be taken into account.
- (4) Subsections (1) and (2) have effect subject to subsections (5) and (6).
- (5) For the purposes of sections 362 and 370 and paragraph 749(2)(c), an operation that could be carried on under a greenhouse gas injection licence (the ***injection licence operation***) will have an

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adverse impact on operations (the *relevant petroleum operations*) that are being, or could be, carried on under:

- (a) an existing petroleum exploration permit; or
- (b) an existing petroleum retention lease; or
- (c) an existing petroleum production licence; or
- (d) a future petroleum exploration permit; or
- (e) a future petroleum retention lease; or
- (f) a future petroleum production licence;

if, and only if, the injection licence operation will result in:

- (g) an increase in the capital costs (other than prescribed costs) of the relevant petroleum operations; or
- (h) an increase in the operating costs (other than prescribed costs) of the relevant petroleum operations; or
- (i) a reduction in the rate of recovery of the petroleum; or
- (j) a reduction in the quantity of the petroleum that will be able to be recovered.

- (6) For the purposes of sections 362 and 370 and paragraph 749(2)(c), if there is a risk that an operation that could be carried on under a greenhouse gas injection licence (the *injection licence operation*) will have an adverse impact on operations that are being, or could be, carried on under:

- (a) an existing petroleum exploration permit; or
- (b) an existing petroleum retention lease; or
- (c) an existing petroleum production licence; or
- (d) a future petroleum exploration permit; or
- (e) a future petroleum retention lease; or
- (f) a future petroleum production licence;

then that risk is not to be treated as significant, and that adverse impact is not to be treated as significant, if the amount that, under the regulations, is taken to be the probability-weighted impact cost of the injection licence operation is less than the amount that, under the regulations, is taken to be the threshold amount.

29 Significant risk of a significant adverse impact—power of responsible Commonwealth Minister to protect petroleum

- (1) For the purposes of section 383 and paragraph 749(2)(d), the question of whether there is a significant risk that any of the operations that are being, or could be, carried on under a greenhouse gas injection licence will have a significant adverse impact on:
 - (a) operations to recover petroleum; or
 - (b) the commercial viability of the recovery of petroleum;is to be determined in a manner ascertained in accordance with the regulations.
- (2) A manner ascertained in accordance with regulations made for the purposes of subsection (1) must take into account:
 - (a) the probability, or range of probabilities, of the occurrence of the adverse impact; and
 - (b) the economic consequences of the adverse impact; and
 - (c) the economic consequences of the adverse impact relative to the potential economic value of the operations or recovery referred to in whichever of paragraph (1)(a) or (b) is applicable.
- (3) Subsection (2) does not limit the matters that may be taken into account.
- (4) Subsections (1) and (2) have effect subject to subsections (5) and (6).
- (5) For the purposes of section 383 and paragraph 749(2)(d), an operation that could be carried on under a greenhouse gas injection licence (the ***injection licence operation***) will have an adverse impact on:
 - (a) operations to recover petroleum; or
 - (b) the commercial viability of the recovery of petroleum;if, and only if, the injection licence operation will result in:
 - (c) an increase in the capital costs (other than prescribed costs) of the recovery of the petroleum; or

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- (d) an increase in the operating costs (other than prescribed costs) of the recovery of the petroleum; or
 - (e) a reduction in the rate of recovery of the petroleum; or
 - (f) a reduction in the quantity of the petroleum that will be able to be recovered.
- (6) For the purposes of section 383 and paragraph 749(2)(d), if there is a risk that an operation that is being, or could be, carried on under a greenhouse gas injection licence (the *injection licence operation*) will have an adverse impact on:
 - (a) operations to recover petroleum; or
 - (b) the commercial viability of the recovery of petroleum;then that risk is not to be treated as significant, and that adverse impact is not to be treated as significant, if the amount that, under the regulations, is taken to be the probability-weighted impact cost of the injection licence operation is less than the amount that, under the regulations, is taken to be the threshold amount.

30 Direction given by the responsible Commonwealth Minister

A reference in this Act to a direction given by the responsible Commonwealth Minister does not include a reference to a direction given by the responsible Commonwealth Minister in his or her capacity as, or as a member of, the Joint Authority for an offshore area.

31 Securities

Greenhouse gas titles

- (1) For the purposes of this Act, if:
 - (a) a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is in force; and
 - (b) either:
 - (i) the successful applicant for the permit, lease or licence lodged a security with the responsible Commonwealth

Minister in response to the offer document for the permit, lease or licence; or

- (ii) the registered holder, or a former registered holder, of the permit, lease or licence lodged a security with the responsible Commonwealth Minister in response to a notice under section 454; and

- (c) the security has not been wholly discharged; the security is taken to be in force in relation to the permit, lease or licence.

Site closing certificate

- (2) For the purposes of this Act, if:
 - (a) a site closing certificate is in force; and
 - (b) the successful applicant for the certificate lodged a security with the responsible Commonwealth Minister in response to the pre-certificate notice for the site closing certificate; and
 - (c) the security has not been wholly discharged; the security is taken to be in force in relation to the site closing certificate.

Note: For *pre-certificate notice*, see section 388.

32 Designated agreements

For the purposes of this Act, a ***designated agreement*** is an agreement of the kind referred to in any of the following provisions:

- (a) paragraph 100(5)(f);
- (b) paragraph 100(6)(d);
- (c) subsection 100(10);
- (d) paragraph 137(5)(f);
- (e) paragraph 137(6)(d);
- (f) subsection 137(10);
- (g) paragraph 163(5)(f);
- (h) paragraph 163(6)(d);
- (i) subsection 163(10);

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- (j) paragraph 292(5)(d);
- (k) paragraph 292(6)(d);
- (l) subsection 292(11);
- (m) subsection 292(12);
- (n) paragraph 321(5)(d);
- (o) paragraph 321(6)(d);
- (p) subsection 321(11);
- (q) subsection 321(12);
- (r) subparagraph 362(1)(d)(iii);
- (s) subparagraph 362(1)(e)(iii);
- (t) subparagraph 362(2)(d)(iii);
- (u) subparagraph 362(2)(e)(iii);
- (v) paragraph 362(3)(a);
- (w) subparagraph 370(d)(v);
- (x) paragraph 370(e);
- (y) paragraph 370(f);
- (z) paragraph 370(g);
- (za) paragraph 383(1)(e).

33 Graticulation of Earth's surface and constitution of blocks

Graticular sections

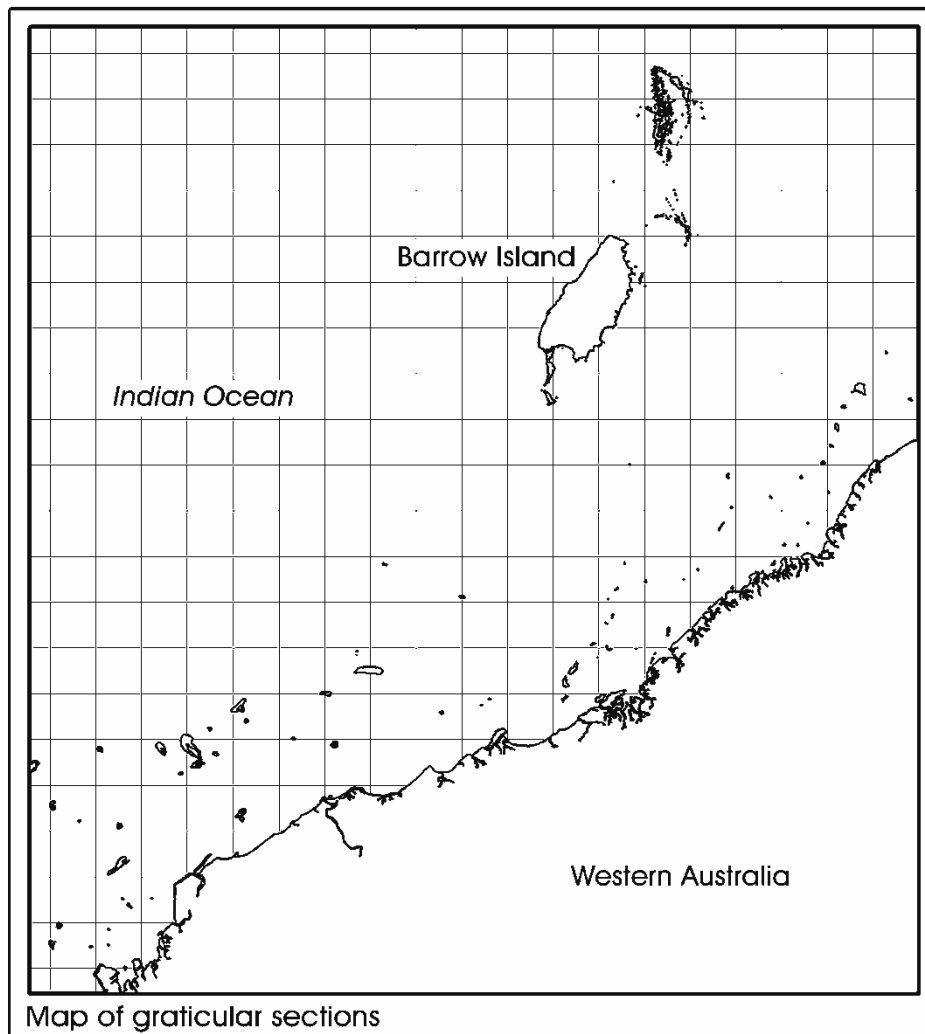
- (1) For the purposes of this Act, the surface of the Earth is taken to be divided:
- (a) by the meridian of Greenwich and by meridians that are at an angular distance from that meridian of 5 minutes, or a multiple of 5 minutes, of longitude; and
 - (b) by the equator and by parallels of latitude that are at an angular distance from the equator of 5 minutes, or a multiple of 5 minutes, of latitude;
- into sections called ***graticular sections***, each of which is bounded:
- (c) by portions of 2 of those meridians that are at an angular distance from each other of 5 minutes of longitude; and

- (d) by portions of 2 of those parallels of latitude that are at an angular distance from each other of 5 minutes of latitude.

Simplified map

- (2) This subsection sets out a simplified map illustrating graticular sections off the coast of Western Australia in the vicinity of Barrow Island:

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Blocks

- (3) For the purposes of this Act:
- (a) a graticular section that is wholly within an offshore area constitutes a **block**; and

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- (b) if a part only of a graticular section is, or parts only of a graticular section are, within an offshore area, the area of that part, or of those parts, constitutes a **block**.

Note: See also section 282 (certain portions of blocks to be blocks).

Block that is constituted by a graticular section

- (4) A reference in this Act to a **block that is constituted by a graticular section** includes a reference to a block that is constituted by the area of a part only, or by the areas of parts only, of a graticular section.

Graticular section that constitutes a block

- (5) A reference in this Act to a **graticular section that constitutes a block** includes a reference to:
- (a) a graticular section only part of which constitutes a block; or
 - (b) a graticular section only parts of which constitute a block.

Note: For datum, see section 39.

33A Designated public official

States

- (1) For the purposes of this Act, if:
- (a) a Department of a State is specified in a written notice given to NOPSEMA by the responsible State Minister of the State for the purposes of this subsection; and
 - (b) a person holds or performs the duties of the position of head (however described) of the Department;
- the person is the **designated public official** of the State.
- (2) For the purposes of this Act, if:
- (a) no notice is in force under paragraph (1)(a) in relation to a State; and
 - (b) a Department of the State is administered by the responsible State Minister of the State; and

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(c) a person holds or performs the duties of the position of head (however described) of the Department;
the person is the ***designated public official*** of the State.

Northern Territory

- (3) For the purposes of this Act, if:
- (a) a Department of the Northern Territory is specified in a written notice given to NOPSEMA by the responsible Northern Territory Minister for the purposes of this subsection; and
 - (b) a person holds or performs the duties of the position of head (however described) of the Department;
- the person is the ***designated public official*** of the Northern Territory.
- (4) For the purposes of this Act, if:
- (a) no notice is in force under paragraph (3)(a); and
 - (b) a Department of the Northern Territory is administered by the responsible Northern Territory Minister; and
 - (c) a person holds or performs the duties of the position of head (however described) of the Department;
- the person is the ***designated public official*** of the Northern Territory.

External Territories

- (5) For the purposes of this Act, the Secretary of the Department administered by the Minister who administers the *Norfolk Island Act 1979* is the ***designated public official*** of Norfolk Island.
- Note: For acting appointments, see section 33 of the *Acts Interpretation Act 1901*.
- (6) For the purposes of this Act, the Secretary of the Department administered by the Minister who administers the *Christmas Island Act 1958* is the ***designated public official*** of the Territory of Christmas Island.

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Note: For acting appointments, see section 33 of the *Acts Interpretation Act 1901*.

- (7) For the purposes of this Act, the Secretary of the Department administered by the Minister who administers the *Cocos (Keeling) Islands Act 1955* is the **designated public official** of the Territory of Cocos (Keeling) Islands.

Note: For acting appointments, see section 33 of the *Acts Interpretation Act 1901*.

- (8) For the purposes of this Act, the Secretary of the Department administered by the Minister who administers the *Heard Island and McDonald Islands Act 1953* is the **designated public official** of the Territory of Heard Island and McDonald Islands.

Note: For acting appointments, see section 33 of the *Acts Interpretation Act 1901*.

Other matters

- (9) NOPSEMA must publish on NOPSEMA's website a copy of a notice under paragraph (1)(a) or (3)(a).
- (10) A notice under paragraph (1)(a) or (3)(a) is not a legislative instrument.

34 External Territories

This Act extends to the following external Territories:

- (a) Norfolk Island;
- (b) the Territory of Christmas Island;
- (c) the Territory of Cocos (Keeling) Islands;
- (d) the Territory of Ashmore and Cartier Islands;
- (e) the Territory of Heard Island and McDonald Islands.

35 Application of Act

This Act applies to:

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- (a) all individuals, whether or not Australian citizens, and whether or not resident in the Commonwealth or a Territory; and
- (b) all corporations, whether or not incorporated or carrying on business in the Commonwealth or a Territory.

36 Certain pipelines provisions to apply subject to international obligations

- (1) This section applies to the provisions of this Act to the extent to which they relate to a pipeline for the conveyance of petroleum recovered from a place beyond the outer limits of any offshore area.
- (2) The provisions have effect subject to Australia's obligations under international law, including obligations under any agreement between Australia and any foreign country or countries.

Division 2—Datum provisions

Subdivision A—Datum for ascertaining the position of points etc.

37 Objects

The objects of this Subdivision are:

- (a) to use the Australian Geodetic Datum to determine the position of graticular sections or blocks; and
- (b) to use the Geocentric Datum of Australia to determine the position of certain other areas; and
- (c) to enable the position of a point, line or area to be described, in a title or other instrument under this Act, using:
 - (i) the Geocentric Datum of Australia; or
 - (ii) another datum identified in the regulations;(but not so as to change the position of a point, line or area).

38 Definitions

In this Subdivision:

Australian Geodetic Datum means the Australian Geodetic Datum as defined in *Gazette* No. 84 of 6 October 1966 (AGD66 geodetic data set).

Geocentric Datum of Australia means the Geocentric Datum of Australia as defined in *Gazette* No. 35 of 6 September 1995 (GDA94 geocentric data set).

greenhouse gas title means:

- (a) a greenhouse gas assessment permit; or
- (b) a greenhouse gas holding lease; or
- (c) a greenhouse gas injection licence; or
- (d) a greenhouse gas search authority; or
- (e) a greenhouse gas special authority.

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instrument under this Act does not include the regulations.

petroleum title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence; or
- (d) an infrastructure licence; or
- (e) a pipeline licence; or
- (f) a petroleum special prospecting authority; or
- (g) a petroleum access authority.

this Act includes the regulations.

title means:

- (a) a greenhouse gas title; or
- (b) a petroleum title.

39 Australian Geodetic Datum

- (1) For the purposes of this Act, the position on the surface of the Earth of a graticular section or block is to be determined by reference to the Australian Geodetic Datum.

Note: *Australian Geodetic Datum* is defined in section 38.

- (2) Subsection (1) does not apply for the purposes of describing, in a title or other instrument under this Act, the position on the surface of the Earth of a point, line or area.

40 Geocentric Datum of Australia

- (1) For the purposes of this Act, the position on the surface of the Earth of:
 - (a) the parallel of latitude described in subsection 8(2); or
 - (b) an area described in Schedule 1; or
 - (c) the area described in Schedule 2; or
 - (d) the area described in Schedule 7; or
 - (e) the area described in Schedule 8;

is to be determined by reference to the Geocentric Datum of Australia.

Note 1: Subsection 8(2) describes the Coral Sea area.

Note 2: Schedule 1 describes the scheduled areas for the States and Territories. See also sections 48 and 49 (points and lines specified in the New Zealand boundary treaty).

Note 3: Schedule 2 describes the area that includes the area to be avoided.

Note 3A: Schedule 7 describes the Eastern Greater Sunrise offshore area and the Western Greater Sunrise area.

Note 3B: Schedule 8 describes the Bayu-Undan pipeline international offshore area.

Note 4: ***Geocentric Datum of Australia*** is defined in section 38.

- (2) Subsection (1) does not apply for the purposes of describing, in a title or other instrument under this Act, the position on the surface of the Earth of a point, line or area.

41 Current datum, previous datum and changeover time

- (1) The regulations may declare that, for the purposes of describing, in a title or other instrument under this Act, the position on the surface of the Earth of a point, line or area:
- (a) a specified datum is the ***current datum***; and
 - (b) that datum replaces the previous datum.
- (2) The ***previous datum*** is:
- (a) if a datum is the first datum declared to be the current datum under subsection (1)—the Geocentric Datum of Australia; or
 - (b) in any other case—the datum that was the current datum immediately before the changeover time.
- (3) The ***changeover time*** is the time when the declaration takes effect.
- (4) Before the first declaration under subsection (1) takes effect, the Geocentric Datum of Australia applies for the purposes of describing, in a title or other instrument under this Act, the position on the surface of the Earth of a point, line or area.

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42 Use of current datum

For the purposes of this Act, after the changeover time, for a title or instrument set out in the table, the position on the surface of the Earth of a point, line or area set out in the table is to be described by reference to the current datum, and the relevant title or instrument may be annotated accordingly:

Points, lines and areas		
Item	Title or instrument	Point, line or area
1	a petroleum exploration permit	the permit area of a petroleum exploration permit granted after the changeover time
2	a petroleum retention lease	the lease area of a petroleum retention lease granted after the changeover time
3	a petroleum production licence	the licence area of a petroleum production licence granted after the changeover time
4	an infrastructure licence	the licence area of an infrastructure licence granted after the changeover time
5	a petroleum special prospecting authority	the authority area of a petroleum special prospecting authority granted after the changeover time
6	a petroleum access authority	the authority area of a petroleum access authority granted after the changeover time
7	a pipeline licence	the route of a pipeline authorised by a pipeline licence granted after the changeover time
8	a greenhouse gas assessment permit	the permit area of a greenhouse gas assessment permit granted after the changeover time

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Points, lines and areas

Item	Title or instrument	Point, line or area
9	a greenhouse gas holding lease	the lease area of a greenhouse gas holding lease granted after the changeover time
10	a greenhouse gas injection licence	the licence area of a greenhouse gas injection licence granted after the changeover time
11	a greenhouse gas search authority	the authority area of a greenhouse gas search authority granted after the changeover time
12	a greenhouse gas special authority	the authority area of a greenhouse gas special authority granted after the changeover time
13	any other instrument under this Act	a point, line or area set out in any other instrument made under this Act made after the changeover time

Note 1: A grant of a petroleum exploration permit, a petroleum retention lease or a petroleum production licence may be a grant by way of renewal—see section 11.

Note 2: A grant of a greenhouse gas holding lease may be a grant by way of renewal—see section 11.

43 Use of previous datum

- (1) For the purposes of this Act, after the changeover time, for a title or instrument set out in the table, the position on the surface of the Earth of a point, line or area set out in the table is to be described by reference to the previous datum:

Points, lines and areas

Item	Title or instrument	Point, line or area
1	a petroleum exploration permit	the permit area of a petroleum exploration permit that was in force immediately before the changeover time

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Points, lines and areas		
Item	Title or instrument	Point, line or area
2	a petroleum retention lease	the lease area of a petroleum retention lease that was in force immediately before the changeover time
3	a petroleum production licence	the licence area of a petroleum production licence that was in force immediately before the changeover time
4	an infrastructure licence	the licence area of an infrastructure licence that was in force immediately before the changeover time
5	a petroleum special prospecting authority	the authority area of a petroleum special prospecting authority that was in force immediately before the changeover time
6	a petroleum access authority	the authority area of a petroleum access authority that was in force immediately before the changeover time
7	a pipeline licence	the route of a pipeline authorised by a pipeline licence that was in force immediately before the changeover time
8	a greenhouse gas assessment permit	the permit area of a greenhouse gas assessment permit that was in force immediately before the changeover time
9	a greenhouse gas holding lease	the lease area of a greenhouse gas holding lease that was in force immediately before the changeover time

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Points, lines and areas		
Item	Title or instrument	Point, line or area
10	a greenhouse gas injection licence	the licence area of a greenhouse gas injection licence that was in force immediately before the changeover time
11	a greenhouse gas search authority	the authority area of a greenhouse gas search authority that was in force immediately before the changeover time
12	a greenhouse gas special authority	the authority area of a greenhouse gas special authority that was in force immediately before the changeover time
13	any other instrument under this Act	a point, line or area set out in any other instrument under this Act that was in force immediately before the changeover time

- (2) Subsection (1) has effect subject to section 44 (which deals with variation of titles and instruments).

44 Variation of titles and instruments

Petroleum titles and instruments

- (1) The table has effect:

Variation of titles and instruments		
Item	The Titles Administrator may issue an instrument varying...	for the sole purpose of...
1	a petroleum exploration permit that was in force immediately before the changeover time	relabelling the permit area using geographic coordinates based on the current datum.

Section 44

Variation of titles and instruments		
Item	The Titles Administrator may issue an instrument varying...	for the sole purpose of...
2	a petroleum retention lease that was in force immediately before the changeover time	relabelling the lease area using geographic coordinates based on the current datum.
3	a petroleum production licence that was in force immediately before the changeover time	relabelling the licence area using geographic coordinates based on the current datum.
4	an infrastructure licence that was in force immediately before the changeover time	relabelling the licence area using geographic coordinates based on the current datum.
5	a petroleum special prospecting authority or a petroleum access authority that was in force immediately before the changeover time	relabelling the authority area using geographic coordinates based on the current datum.
6	a pipeline licence that was in force immediately before the changeover time	relabelling the route of the pipeline using geographic coordinates based on the current datum.
7	any other instrument under this Act that: (a) sets out a point, line or area; and (b) was in force immediately before the changeover time	relabelling the point, line or area using geographic coordinates based on the current datum.
8	a petroleum title or other instrument under this Act	inserting an annotation about the applicable datum.

Note: For publication in the *Gazette* of notice of the variation, see section 708.

Greenhouse gas titles and instruments

(2) The table has effect:

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Variation of titles and instruments		
Item	The responsible Commonwealth Minister may issue an instrument varying...	for the sole purpose of...
1	a greenhouse gas assessment permit that was in force immediately before the changeover time	relabelling the permit area using geographic coordinates based on the current datum.
2	a greenhouse gas holding lease that was in force immediately before the changeover time	relabelling the lease area using geographic coordinates based on the current datum.
3	a greenhouse gas injection licence that was in force immediately before the changeover time	relabelling the licence area using geographic coordinates based on the current datum.
4	a greenhouse gas search authority that was in force immediately before the changeover time	relabelling the authority area using geographic coordinates based on the current datum.
5	a greenhouse gas special authority that was in force immediately before the changeover time	relabelling the authority area using geographic coordinates based on the current datum.
6	any other instrument under this Act that: (a) sets out a point, line or area; and (b) was in force immediately before the changeover time	relabelling the point, line or area using geographic coordinates based on the current datum.
7	a greenhouse gas title or other instrument under this Act	inserting an annotation about the applicable datum.

Note: For publication in the *Gazette* of notice of the variation, see section 708.

45 Variation of applications for titles

Petroleum titles

- (1) The Titles Administrator may issue an instrument varying an application for a petroleum title for the sole purpose of relabelling

Section 46

a point, line or area by reference to geographic coordinates based on the current datum.

Greenhouse gas titles

- (2) The responsible Commonwealth Minister may issue an instrument varying an application for a greenhouse gas title for the sole purpose of relabelling a point, line or area by reference to geographic coordinates based on the current datum.

46 No change to actual position of point, line or area

This Subdivision does not authorise any change to the position on the surface of the Earth of a point, line or area.

47 Transitional regulations

The regulations may make provision for matters of a transitional nature arising from the change from the previous datum to the current datum.

48 International Seabed Agreements

This Subdivision has effect subject to section 49.

Note: Section 49 deals with International Seabed Agreements.

Subdivision B—Certain points etc. specified in an International Seabed Agreement to be ascertained by other means

49 Certain points etc. specified in an International Seabed Agreement to be ascertained by other means

- (1) This section applies if, for the purposes of this Act or the regulations, or for the purposes of an instrument under this Act or the regulations, it is necessary to determine the position on the surface of the Earth of:
- (a) a point or line specified in an International Seabed Agreement; or

- (b) a point on, or part of, such a line.
- (2) That position must be determined in accordance with:
 - (a) that Agreement; or
 - (b) if that Agreement is varied—in accordance with that Agreement as varied for the time being.
- (3) In this section:

International Seabed Agreement means:

- (a) the Agreement between Australia and Indonesia establishing certain seabed boundaries signed at Canberra on 18 May 1971; or
- (b) the Agreement between Australia and Indonesia establishing certain seabed boundaries in the area of the Timor and Arafura Seas supplementary to the Agreement referred to in paragraph (a) and signed at Jakarta on 9 October 1972; or
- (c) the Agreement between Australia and Indonesia concerning certain boundaries between Papua New Guinea and Indonesia signed at Jakarta on 12 February 1973; or
- (d) the Treaty between Australia and the Independent State of Papua New Guinea concerning sovereignty and maritime boundaries in the area between the 2 countries, including the area known as the Torres Strait, and related matters that was signed at Sydney on 18 December 1978; or
- (e) the New Zealand boundary treaty; or
- (f) the Timor Sea Maritime Boundaries Treaty.

Section 50

Division 3—Apportionment of petroleum recovered from adjoining title areas

50 Title

In this Division:

title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence.

51 Titleholder and title area

For the purposes of this Division, the table has effect:

Titleholder and title area			
Item	In the case of...	the <i>titleholder</i> is...	and the <i>title area</i> is...
1	a petroleum exploration permit	the permittee	the permit area.
2	a petroleum retention lease	the lessee	the lease area.
3	a petroleum production licence	the licensee	the licence area.

52 Petroleum recovered through inclined well

For the purposes of this Act, if:

- (a) a wellhead is situated in the title area of a title (the **first title**); and
- (b) the well from that wellhead is inclined so as to enter a petroleum pool at a place within an adjoining title area of a title (the **second title**) of the same titleholder; and
- (c) the pool does not extend to the title area of the first title;

any petroleum recovered through that well is taken to have been recovered in the adjoining title area under the second title.

53 Petroleum pool straddling 2 title areas etc.

- (1) For the purposes of this Act, if:
- (a) a petroleum pool is partly in the title area of a title and partly in an adjoining title area of a title of the same titleholder (whether in the same offshore area or not); and
 - (b) petroleum is recovered from that pool through a well or wells in one or both of the title areas;
- then:
- (c) there is taken to have been recovered in each of the title areas, under the title in relation to the title area, such proportion of all petroleum so recovered as may reasonably be treated as being derived from that area, having regard to the nature and probable extent of the pool; and
 - (d) the respective proportions are to be determined by agreement between:
 - (i) the titleholder; and
 - (ii) the Joint Authority;or, in the absence of agreement, by the Federal Court or a relevant Supreme Court on the application of the titleholder or the Joint Authority.

Supreme Court

- (2) A reference in this section to a **relevant Supreme Court** is a reference to the Supreme Court of the State, or one of the States, in the offshore area of which the petroleum pool is wholly or partly situated.

Northern Territory

- (3) This section applies to the Northern Territory as if that Territory were a State.

Note: The **offshore area** of a State or Territory is defined by section 8.

Section 54

54 Petroleum pool straddling Commonwealth title area and State title area etc.

- (1) For the purposes of this Act, if:
- (a) a petroleum pool is partly in the title area of a title and partly in an area (the *State title area*) in which the titleholder has authority under the law of a State to explore for, or recover, petroleum; and
 - (b) petroleum is recovered from that pool through a well or wells in the title area of the title, the State title area, or both;
- then:
- (c) there is taken to have been recovered in the title area of the title such proportion of all petroleum so recovered as may reasonably be treated as being derived from that area, having regard to the nature and probable extent of the pool; and
 - (d) that proportion is to be determined by agreement between:
 - (i) the titleholder of the title; and
 - (ii) the Joint Authority; and
 - (iii) the responsible State Minister;or, in the absence of agreement, by the Federal Court or a relevant Supreme Court on the application of:
 - (iv) the titleholder of the title; or
 - (v) the Joint Authority; or
 - (vi) the responsible State Minister.

Multiple petroleum pools

- (1A) If:
- (a) an agreement is in force between:
 - (i) the titleholder of a title; and
 - (ii) the Joint Authority for an offshore area of a State; and
 - (iii) the responsible State Minister for the State;in relation to a petroleum pool that is partly in the title area of a title and partly in an area (the *State title area*) in which the titleholder has authority under the law of the State to explore for, or recover, petroleum; and

- (b) the agreement contains a provision (the ***apportionment provision***) that provides that, for the purposes of this section, there will be taken to be recovered in the title area of the title a specified proportion of all of the petroleum recovered from the petroleum pool; and
 - (c) assuming that petroleum were recovered from the part of the seabed that is within the areal and vertical extents specified in the agreement, the specified proportion would be consistent with such proportion of all petroleum so recovered as may reasonably be treated as being derived from the title area of the title, having regard to the nature and probable extent of the petroleum in that part of the seabed; and
 - (d) the agreement contains a provision to the effect that if it becomes apparent that the areal and vertical extents of the petroleum pool, as specified in the agreement:
 - (i) comprise; or
 - (ii) are likely to comprise;more than one petroleum pool, the apportionment set out in the apportionment provision will apply to the petroleum recovered from any or all of those petroleum pools (regardless of their location but within those vertical and areal extents); and
 - (e) after the time of the making of the agreement, it becomes apparent that the areal and vertical extents of the petroleum pool, as specified in the agreement, comprise, or are likely to comprise, 2 or more petroleum pools; and
 - (f) petroleum is recovered from any of those pools through a well or wells in the title area of the title, the State title area, or both;
- then:
- (g) for the purposes of this Act, there is taken to have been recovered in the title area of the title such proportion of all petroleum so recovered as is specified in the apportionment provision; and
 - (h) subsection (1) does not apply to any of those pools.

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- (1B) The question of whether there is or was a petroleum pool covered by paragraph (1A)(a) is to be determined on the basis of information known at the time of the making of the agreement.
- (1C) The question of whether paragraph (1A)(c) applies is to be determined on the basis of information known at the time of the commencement of the apportionment provision.
- (1D) The location of any of the 2 or more petroleum pools mentioned in paragraph (1A)(e) is immaterial.

Specified part of the seabed—apportionment agreement

- (1E) If:
 - (a) at a particular time after the commencement of this subsection, a petroleum pool is partly in the title area of a title and partly in an area (the ***State title area***) in which the titleholder has authority under the law of a State to explore for, or recover, petroleum; and
 - (b) at that time, an agreement is made between the following parties:
 - (i) the titleholder of the title;
 - (ii) the Joint Authority;
 - (iii) the responsible State Minister; and
 - (c) the agreement specifies a part of the seabed by reference to its areal and vertical extents; and
 - (d) the areal and vertical extents of the specified part consist of:
 - (i) the whole or a part of the title area of the title; and
 - (ii) the whole or part of the State title area; and
 - (e) the areal and vertical extents of the specified part include the petroleum pool; and
 - (f) the agreement contains a provision (the ***apportionment provision***) that provides that, for the purposes of this section, there will be taken to be recovered in the title area of the title a specified proportion of the petroleum recovered from the specified part; and

- (g) assuming that petroleum were recovered from the specified part, the specified proportion would be consistent with such proportion of all petroleum so recovered as may reasonably be treated as being derived from the title area of the title, having regard to the nature and probable extent of the petroleum in the specified part; and
 - (h) petroleum is recovered from the specified part through a well or wells in the title area of the title, the State title area, or both;
- then:
- (i) for the purposes of this Act, there is taken to have been recovered in the title area of the title such proportion of all petroleum so recovered as is specified in the apportionment provision; and
 - (j) subsection (1) does not apply to a petroleum pool located in the specified part.
- (1F) The question of whether there is or was a petroleum pool covered by paragraph (1E)(a) at a particular time is to be determined on the basis of information known at that time.
- (1G) The question of whether paragraph (1E)(g) applies is to be determined on the basis of information known at the time of the commencement of the apportionment provision.

Supreme Court

- (2) A reference in this section to a **relevant Supreme Court** is a reference to the Supreme Court of the State, or one of the States, in the offshore area of which the petroleum pool is wholly or partly situated.

Northern Territory

- (3) This section applies to the Northern Territory as if:
- (a) that Territory were a State; and
 - (b) the responsible Northern Territory Minister were the responsible State Minister of that State.

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Note: The *offshore area* of a State or Territory is defined by section 8.

55 Unit development

For the purposes of this Act, if:

- (a) a petroleum pool is:
 - (i) partly in a petroleum production licence area; and
 - (ii) partly in another area (whether in the offshore area or not) in relation to which another person has authority (whether under this Act or under the law of a State or the Northern Territory) to explore for or recover petroleum; and
- (b) a unit development agreement in accordance with section 191 is in force between the licensee and that other person; and
- (c) petroleum is recovered from that pool through a well or wells in the licence area, the other area or both;

there is taken to have been recovered in that licence area such proportion of all petroleum so recovered as is specified in, or determined in accordance with, the agreement.

Part 1.3—Joint Authorities

Division 1—Joint Authorities

56 Joint Authorities

- (1) For the purposes of this Act, there is a Joint Authority for each offshore area.

State

- (2) The Joint Authority for an offshore area of a State (other than Tasmania) is constituted by:
- (a) the responsible State Minister; and
 - (b) the responsible Commonwealth Minister;
- and is to be known as the Commonwealth-[name of State] Offshore Petroleum Joint Authority.
- (2A) The responsible Commonwealth Minister is the Joint Authority for the offshore area of Tasmania. That Joint Authority is to be known as the Commonwealth-Tasmania Offshore Petroleum Joint Authority.
- (3) The Joint Authority for an offshore area of a State is taken to be the Joint Authority for the State.

Principal Northern Territory offshore area

- (4) The Joint Authority for the Principal Northern Territory offshore area is constituted by:
- (a) the responsible Northern Territory Minister; and
 - (b) the responsible Commonwealth Minister;
- and is to be known as the Commonwealth-Northern Territory Offshore Petroleum Joint Authority.

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- (5) The Commonwealth-Northern Territory Offshore Petroleum Joint Authority is taken to be the Joint Authority for the Northern Territory.

Eastern Greater Sunrise offshore area

- (6) The responsible Commonwealth Minister is the Joint Authority for the Eastern Greater Sunrise offshore area. That Joint Authority is to be known as the Greater Sunrise Offshore Petroleum Joint Authority.
- (7) The Greater Sunrise Offshore Petroleum Joint Authority is taken not to be the Joint Authority for the Northern Territory.

External Territories

- (8) The responsible Commonwealth Minister is the Joint Authority for the offshore area of each of the following external Territories:
- (a) Norfolk Island;
 - (b) the Territory of Christmas Island;
 - (c) the Territory of Cocos (Keeling) Islands;
 - (d) the Territory of Ashmore and Cartier Islands;
 - (e) the Territory of Heard Island and McDonald Islands;
- and such a Joint Authority is to be known as the [name of Territory] Offshore Petroleum Joint Authority.

Note: For example, the Joint Authority for the offshore area of the Territory of Ashmore and Cartier Islands is to be known as the Territory of Ashmore and Cartier Islands Offshore Petroleum Joint Authority.

- (9) The Joint Authority for the offshore area of an external Territory is taken to be the Joint Authority for that Territory.

Bayu-Undan pipeline international offshore area

- (10) The responsible Commonwealth Minister is the Joint Authority for the Bayu-Undan pipeline international offshore area. That Joint Authority is to be known as the Bayu-Undan Offshore Petroleum Joint Authority.

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Note: Under section 8A, the Bayu-Undan pipeline international offshore area is treated like an offshore area for the purposes of many provisions of this Act so far as they relate to petroleum pipelines.

Greater Sunrise pipeline international offshore area

- (11) The responsible Commonwealth Minister is the Joint Authority for the Greater Sunrise pipeline international offshore area. That Joint Authority is to be known as the Greater Sunrise Pipeline Offshore Petroleum Joint Authority.

Note: Under section 8A, the Greater Sunrise pipeline international offshore area (if declared) is treated like an offshore area for the purposes of many provisions of this Act so far as they relate to petroleum pipelines.

57 Functions and powers of Joint Authorities

- (1) A Joint Authority for a State or Territory (other than the Northern Territory) has, in relation to the offshore area for that State or Territory, the functions and powers that this Act or the regulations confer on a Joint Authority.
- (2) The Joint Authority for the Principal Northern Territory offshore area has, in relation to that offshore area, the functions and powers that this Act or the regulations confer on a Joint Authority.
- (3) The Joint Authority for the Eastern Greater Sunrise offshore area has, in relation to that offshore area, the functions and powers that this Act or the regulations confer on a Joint Authority.
- (4) The Joint Authority for the Bayu-Undan pipeline international offshore area has, in relation to that area, the functions and powers relating to petroleum pipelines that the provisions of this Act mentioned in subsection (6), or regulations made for the purposes of those provisions, confer on a Joint Authority.
- (5) The Joint Authority for the Greater Sunrise pipeline international offshore area has, in relation to that area, the functions and powers relating to petroleum pipelines that the provisions of this Act

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mentioned in subsection (6), or regulations made for the purposes of those provisions, confer on a Joint Authority.

- (6) For the purposes of subsections (4) and (5), the provisions are as follows:
- (a) this Part;
 - (b) Part 2.6;
 - (c) Part 2.10;
 - (d) section 264 so far as it applies because of item 2 of the table in subsection 264(1);
 - (e) Division 1 of Part 2.12;
 - (f) Division 1 of Part 2.13;
 - (g) Part 2.14 except section 279;
 - (h) section 511;
 - (i) Part 6.1;
 - (j) Part 6.2;
 - (k) Part 6.10;
 - (l) Part 6.11;
 - (m) Part 9.4;
 - (n) Part 9.6A;
 - (o) Part 9.8;
 - (p) Part 9.9.

58 Procedure of Joint Authority

- (1) A Joint Authority for a State (other than Tasmania) or the Northern Territory may conduct its business:
- (a) at meetings of the Joint Authority; or
 - (b) by written or other communication between the members of the Joint Authority.
- (2) A written communication under paragraph (1)(b) is not a legislative instrument.

59 Decision-making

- (1) This section applies to decisions to be made by a Joint Authority for a State (other than Tasmania) or the Northern Territory on matters that are within the Joint Authority's functions or powers.
- (2) If:
- (a) the responsible Commonwealth Minister; and
 - (b) the responsible State Minister or the responsible Northern Territory Minister, as the case may be;
- disagree about a decision, the responsible Commonwealth Minister may decide the matter, and the responsible Commonwealth Minister's decision has effect as the Joint Authority's decision.
- (3) If:
- (a) the responsible Commonwealth Minister gives:
 - (i) in the case of a State—the responsible State Minister; or
 - (ii) in the case of the Northern Territory—the responsible Northern Territory Minister;written notice of a decision that the responsible Commonwealth Minister thinks should be made on a matter; and
 - (b) 30 days pass after the notice is given, and:
 - (i) in the case of a State—the responsible State Minister has not told the responsible Commonwealth Minister what decision the responsible State Minister thinks should be made; or
 - (ii) in the case of the Northern Territory—the responsible Northern Territory Minister has not told the responsible Commonwealth Minister what decision the responsible Northern Territory Minister thinks should be made;the responsible Commonwealth Minister may decide the matter, and the responsible Commonwealth Minister's decision has effect as the Joint Authority's decision.

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60 Opinion or state of mind of Joint Authority

For the purposes of this Act, the opinion or state of mind of the Joint Authority for a State (other than Tasmania) or the Northern Territory is:

- (a) if:
 - (i) the responsible Commonwealth Minister; and
 - (ii) the responsible State Minister or the responsible Northern Territory Minister, as the case may be; agree on the matter concerned—the opinion or state of mind of the 2 Ministers; or
- (b) if the 2 Ministers disagree—the opinion or state of mind of the responsible Commonwealth Minister.

61 Records of decisions of Joint Authority

- (1) The Titles Administrator must cause to be kept written records of the decisions of a Joint Authority.
- (2) A record kept under subsection (1) in relation to the Joint Authority for a State (other than Tasmania) or the Northern Territory is prima facie evidence that the decision was duly made as recorded if the record is signed by a person who was a member of the Joint Authority at the time when the decision was made.
- (2A) A record kept under subsection (1) in relation to the Joint Authority for:
 - (aa) Tasmania; or
 - (a) the Eastern Greater Sunrise Offshore area; or
 - (b) an external Territory; or
 - (c) the Bayu-Undan pipeline international offshore area; or
 - (d) the Greater Sunrise pipeline international offshore area;is prima facie evidence that the decision was duly made as recorded if the record is signed by a person who was the Joint Authority at the time when the decision was made.
- (3) A record kept under subsection (1) is not a legislative instrument.

62 Signing of documents

- (1) If a document is signed by the Titles Administrator on behalf of a Joint Authority, the document is taken to have been duly executed by the Joint Authority.
- (2) The document is taken to be in accordance with a decision of the Joint Authority unless the contrary is proved.

63 Communications with Joint Authority

All communications to or by a Joint Authority are to be made through the Titles Administrator.

64 Judicial notice of signature of member of a Joint Authority

Joint Authority for a State (other than Tasmania) or the Northern Territory

- (1) All courts must take judicial notice of:
 - (a) the signature of a person who is, or has been:
 - (i) a member of the Joint Authority for a State (other than Tasmania) or the Northern Territory; or
 - (ii) a delegate of the Joint Authority for a State (other than Tasmania) or the Northern Territory; and
 - (b) the fact that the person is, or was at a particular time:
 - (i) a member of the Joint Authority for that State or the Northern Territory, as the case may be; or
 - (ii) a delegate of the Joint Authority for that State or the Northern Territory, as the case may be.

Joint Authority for Tasmania

- (1A) All courts must take judicial notice of:
 - (a) the signature of a person who is, or has been:
 - (i) the Joint Authority for Tasmania; or
 - (ii) a delegate of the Joint Authority for Tasmania; and
 - (b) the fact that the person is, or was at a particular time:

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- (i) the Joint Authority for Tasmania; or
- (ii) a delegate of the Joint Authority for Tasmania.

Joint Authority for the Eastern Greater Sunrise offshore area

- (2) All courts must take judicial notice of:
 - (a) the signature of a person who is, or has been:
 - (i) the Joint Authority for the Eastern Greater Sunrise offshore area; or
 - (ii) a delegate of the Joint Authority for the Eastern Greater Sunrise offshore area; and
 - (b) the fact that the person is, or was at a particular time:
 - (i) the Joint Authority for that offshore area; or
 - (ii) a delegate of the Joint Authority for that offshore area.

Joint Authority for an external Territory

- (3) All courts must take judicial notice of:
 - (a) the signature of a person who is, or has been:
 - (i) the Joint Authority for the offshore area of an external Territory; or
 - (ii) a delegate of the Joint Authority for the offshore area of an external Territory; and
 - (b) the fact that the person is, or was at a particular time:
 - (i) the Joint Authority for that offshore area; or
 - (ii) a delegate of the Joint Authority for that offshore area.

Joint Authority for a pipeline international offshore area

- (3A) All courts must take judicial notice of:
 - (a) the signature of a person who is, or has been:
 - (i) the Joint Authority for the Bayu-Undan pipeline international offshore area; or
 - (ii) the Joint Authority for the Greater Sunrise pipeline international offshore area; or

- (iii) a delegate of the Joint Authority mentioned in subparagraph (i) or (ii); and
- (b) the fact that the person is, or was at a particular time:
 - (i) the Joint Authority for that area; or
 - (ii) a delegate of the Joint Authority for that area.

Definition

- (4) In this section:

court includes a person authorised to receive evidence:

- (a) by a law of the Commonwealth, a State or a Territory; or
- (b) by consent of parties.

65 Issue of documents, and service of notices, on behalf of Joint Authority

- (1) If this Act requires or allows a Joint Authority to:

- (a) execute or issue an instrument; or
- (b) give a notice; or
- (c) communicate a matter;

the Titles Administrator is to do so on behalf of the Joint Authority in accordance with a decision of the Joint Authority.

- (2) For the purposes of any proceedings:

- (a) an instrument that purports to be executed or issued by the Titles Administrator on behalf of the Joint Authority is taken to have been executed or issued in accordance with a decision of the Joint Authority; and
- (b) a notice that purports to be given by the Titles Administrator on behalf of the Joint Authority is taken to have been given in accordance with a decision of the Joint Authority; and
- (c) a communication that purports to be made by the Titles Administrator on behalf of the Joint Authority is taken to have been made in accordance with a decision of the Joint Authority;

unless the contrary is proved.

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66 Delegation by a Joint Authority for a State (other than Tasmania) or the Northern Territory

- (1) A Joint Authority for a State (other than Tasmania) or the Northern Territory may, by written instrument, delegate any or all of the functions or powers of the Joint Authority under this Act or the regulations to 2 persons together, each of whom is one of the following:
- (a) an APS employee who is an SES employee or acting SES employee;
 - (b) an employee of the relevant State, or of the Northern Territory, as the case requires.

Note: The expressions *APS employee*, *SES employee* and *acting SES employee* are defined in section 2B of the *Acts Interpretation Act 1901*.

- (2) A delegation under this section:
- (a) must specify one person as representing the responsible Commonwealth Minister; and
 - (b) must specify the other person as representing the responsible State Minister or responsible Northern Territory Minister of the Joint Authority; and
 - (c) must be signed by both members of the Joint Authority.

Note: See also sections 34AA and 34AB of the *Acts Interpretation Act 1901*.

- (3) If the Joint Authority delegates a function or power under this section, the delegation continues in force despite:
- (a) a vacancy in the office of responsible Commonwealth Minister; or
 - (b) a change in the identity of the holder of the office of responsible Commonwealth Minister; or
 - (c) a vacancy in the office of responsible State Minister or responsible Northern Territory Minister, as the case may be; or
 - (d) a change in the identity of the holder of the office of responsible State Minister or responsible Northern Territory Minister, as the case may be.

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- (4) Despite subsection (3), a delegation under this section may be revoked by the Joint Authority in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*.
- (5) If a delegation is made under this section, sections 59 and 60 do not apply to the delegates.
- (6) If the delegates are unable to agree on a matter requiring decision, they must refer the matter to the Joint Authority.
- (7) In the application to the delegates of a provision of this Act containing a reference to the opinion or state of mind of the Joint Authority, the reference is to be read as a reference to the opinion or state of mind of the 2 delegates of the Joint Authority unless they disagree.
- (8) A referral under subsection (6) is not a legislative instrument.

66A Delegation by Joint Authority for Tasmania

- (1) The Joint Authority for Tasmania may, by written instrument, delegate to a person any or all of the functions or powers of the Joint Authority under this Act or the regulations.
Note: See also sections 34AA and 34AB of the *Acts Interpretation Act 1901*.
- (2) If the Joint Authority delegates a function or power under this section, the delegation continues in force despite:
 - (a) a vacancy in the office of Joint Authority; or
 - (b) a change in the identity of the holder of the office of Joint Authority.
- (3) Despite subsection (2), a delegation under this section may be revoked by the Joint Authority in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*.
- (4) A copy of each instrument making, varying or revoking a delegation under this section must be published in the *Gazette*.

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- (5) A Joint Authority may delegate a function or power to an APS employee only if the APS employee is an SES employee or acting SES employee.

Note: The expressions *APS employee*, *SES employee* and *acting SES employee* are defined in section 2B of the *Acts Interpretation Act 1901*.

67 Delegation by Greater Sunrise Offshore Petroleum Joint Authority

- (1) The Greater Sunrise Offshore Petroleum Joint Authority may, by written instrument, delegate to:
- (a) an APS employee who is an SES employee or acting SES employee; or
 - (b) an employee of the Northern Territory;
- any or all of the functions or powers of the Joint Authority under this Act or the regulations.

Note 1: The expressions *APS employee*, *SES employee* and *acting SES employee* are defined in section 2B of the *Acts Interpretation Act 1901*.

Note 2: See also sections 34AA and 34AB of the *Acts Interpretation Act 1901*.

- (2) If the Joint Authority delegates a function or power under this section, the delegation continues in force despite:
- (a) a vacancy in the office of Joint Authority; or
 - (b) a change in the identity of the holder of the office of Joint Authority.
- (3) Despite subsection (2), a delegation under this section may be revoked by the Joint Authority in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*.
- (4) A copy of each instrument making, varying or revoking a delegation under this section must be published in the *Gazette*.

68 Delegation by Joint Authority for an external Territory

- (1) The Joint Authority for the offshore area of any of the following external Territories:

- (a) Norfolk Island;
- (b) the Territory of Christmas Island;
- (c) the Territory of Cocos (Keeling) Islands;
- (d) the Territory of Ashmore and Cartier Islands;
- (e) the Territory of Heard Island and McDonald Islands;

may, by written instrument, delegate to a person any or all of the functions or powers of the Joint Authority under this Act or the regulations.

Note: See also sections 34AA and 34AB of the *Acts Interpretation Act 1901*.

- (2) If the Joint Authority delegates a function or power under this section, the delegation continues in force despite:
- (a) a vacancy in the office of Joint Authority; or
 - (b) a change in the identity of the holder of the office of Joint Authority.
- (3) Despite subsection (2), a delegation under this section may be revoked by the Joint Authority in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*.
- (4) A copy of each instrument making, varying or revoking a delegation under this section must be published in the *Gazette*.
- (5) A Joint Authority may delegate a function or power to an APS employee only if the APS employee is an SES employee or acting SES employee.

Note: The expressions **APS employee**, **SES employee** and **acting SES employee** are defined in section 2B of the *Acts Interpretation Act 1901*.

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68A Delegation by Joint Authority for pipeline international offshore area

- (1) The Joint Authority for the Bayu-Undan pipeline international offshore area or the Joint Authority for the Greater Sunrise pipeline international offshore area may, by written instrument, delegate to an SES employee or acting SES employee any or all of the functions or powers of the Joint Authority under this Act or the regulations.

Note 1: The expressions *SES employee* and *acting SES employee* are defined in section 2B of the *Acts Interpretation Act 1901*.

Note 2: See also sections 34AA and 34AB of the *Acts Interpretation Act 1901*.

- (2) If the Joint Authority delegates a function or power under this section, the delegation continues in force despite:
- (a) a vacancy in the office of Joint Authority; or
 - (b) a change in the identity of the holder of the office of Joint Authority.
- (3) Despite subsection (2), a delegation under this section may be revoked by the Joint Authority in accordance with subsection 33(3) of the *Acts Interpretation Act 1901*.
- (4) A copy of each instrument making, varying or revoking a delegation under this section must be published in the Gazette.

69 Greater Sunrise Offshore Petroleum Joint Authority—consultations

The Greater Sunrise Offshore Petroleum Joint Authority may consult with the Timorese Designated Authority before exercising any power, or performing any function, that is conferred on the Joint Authority under this Act or the regulations.

70 Cooperation with Timorese Designated Authority by Joint Authority for pipeline international offshore area

Joint Authority for Bayu-Undan pipeline international offshore area

- (1) The Joint Authority for the Bayu-Undan pipeline international offshore area may cooperate with the Timorese Designated Authority for the effective management and regulation of the Bayu-Undan Gas Field (within the meaning of the Timor Sea Maritime Boundaries Treaty).

Joint Authority for Greater Sunrise pipeline international offshore area

- (2) The Joint Authority for the Greater Sunrise pipeline international offshore area may cooperate with the Timorese Designated Authority for the effective management and regulation of the Greater Sunrise special regime area.

Division 3—Finance

75 Payments by the Commonwealth to Western Australia—Royalty Act payments

Payments to Western Australia

- (1) If, during a particular month, the Commonwealth receives:
- (a) an amount of royalty payable under the Royalty Act by the registered holder of:
 - (i) a petroleum exploration permit; or
 - (ii) a petroleum retention lease; or
 - (iii) a petroleum production licence;in relation to petroleum recovered under the permit, lease or licence in the offshore area of Western Australia; or
 - (b) an amount payable under Part 6.7 because of late payment of any such royalty;
- then, before the end of the next month, the Commonwealth must pay to Western Australia an amount worked out using the formula:

$$\text{Amount received by the Commonwealth} \times \frac{(\text{Royalty rate} - 4)}{\text{Royalty rate}}$$

where:

royalty rate means the percentage rate at which royalty is payable by the holder under the Royalty Act in relation to that petroleum (disregarding any determination under section 9 of the Royalty Act in relation to a well).

Reduction of payments to Western Australia—refunds of royalty

- (2) If:
- (a) the Commonwealth is liable to pay an amount under subsection (1) because the Commonwealth received, during a particular month, an amount mentioned in that subsection; and

- (b) during that month, the Commonwealth paid a refund under paragraph 16(3)(b) of the Royalty Act to the registered holder of:
- (i) a petroleum exploration permit; or
 - (ii) a petroleum retention lease; or
 - (iii) a petroleum production licence;
- in respect of an amount of royalty payable under the Royalty Act;

the total of the amounts payable by the Commonwealth as mentioned in paragraph (a) is to be reduced by an amount worked out using the formula:

Amount paid under subsection (1)
in respect of the amount of royalty – Adjusted amount

where:

adjusted amount means the amount that would have been paid under subsection (1) in respect of the amount of royalty if it were assumed that the provisional royalty (within the meaning of section 16 of the Royalty Act) had been equal to the determined royalty (within the meaning of that section).

Payment through COAG Reform Fund

- (3) An amount that is payable by the Commonwealth under this section must be credited to the COAG Reform Fund for the purposes of paying the amount to Western Australia.
- (4) The Treasurer must ensure that, as soon as practicable after an amount is credited to the COAG Reform Fund under subsection (3), the COAG Reform Fund is debited for the purposes of paying the amount to Western Australia.
- (5) For the purposes of:
 - (a) the *COAG Reform Fund Act 2008*; and
 - (b) the *Public Governance, Performance and Accountability Act 2013*;

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the payment of an amount that the Commonwealth is liable to pay under this section is taken to be a payment by way of a grant of financial assistance.

Part 1.4—Application of State and Territory laws in offshore areas

78 Simplified outline

The following is a simplified outline of this Part:

- The general body of laws in force in a State or Territory applies, as laws of the Commonwealth, to:
 - (a) petroleum exploration, exploitation and conveyance activities in the offshore area of that State or Territory; and
 - (b) greenhouse gas injection and storage activities in the offshore area of that State or Territory.
- However, prescribed State or Northern Territory occupational health and safety laws do not apply, as laws of the Commonwealth, in relation to a facility located in the offshore area of that State or the Northern Territory.

79 Meaning of *laws*

For the purposes of this Part, ***laws*** include:

- (a) written laws; and
- (b) unwritten laws (for example, the common law); and
- (c) instruments having effect under laws.

80 Application of State and Territory laws in offshore areas

- (1) The laws in force in a State or Territory (other than laws of the Commonwealth) apply, as provided by this section, as laws of the

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Commonwealth in the offshore area of that State or Territory as if that area were:

- (a) part of that State or Territory; and
- (b) part of the Commonwealth.

Note 1: See also sections 81 to 89.

Note 2: The *offshore area* of a State or Territory is defined by section 8.

- (2) For the purposes of this Act, the provisions of laws applied under subsection (1) are to be known as the *applied provisions*.
- (3) Subsection (1) has effect subject to:
 - (a) this Act; and
 - (b) the regulations.
- (4) The laws referred to in subsection (1) apply in relation to acts, omissions, matters, circumstances and things touching, concerning, arising out of or connected with:
 - (a) exploring the seabed or subsoil of the offshore area for petroleum, and exploiting the petroleum which occurs as a natural resource of that seabed or subsoil; or
 - (b) the conveyance of petroleum (wherever recovered) across the offshore area; or
 - (c) exploring the seabed or subsoil of the offshore area for a potential greenhouse gas storage formation or a potential greenhouse gas injection site; or
 - (d) the injection of a greenhouse gas substance into the seabed or subsoil of the offshore area; or
 - (e) the storage of a greenhouse gas substance in the seabed or subsoil of the offshore area; or
 - (f) the conveyance of a greenhouse gas substance across the offshore area.
- (5) The laws referred to in subsection (1) apply:
 - (a) to and in relation to:
 - (i) an act or omission that takes place in, on, above, below or in the vicinity of; and

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- (ii) a matter, circumstance or thing that exists or arises in relation to or in connection with;
a vessel, aircraft, structure or installation, or equipment or other property, that is in the offshore area for any reason touching, concerning, arising out of or connected with:
 - (iii) exploring the seabed or subsoil of the offshore area for petroleum, or exploiting the petroleum which occurs as a natural resource of that seabed or subsoil; or
 - (iv) the conveyance of petroleum (wherever recovered) across the offshore area; or
 - (v) exploring the seabed or subsoil of the offshore area for a potential greenhouse gas storage formation or a potential greenhouse gas injection site; or
 - (vi) the injection of a greenhouse gas substance into the seabed or subsoil of the offshore area; or
 - (vii) the storage of a greenhouse gas substance in the seabed or subsoil of the offshore area; or
 - (viii) the conveyance of a greenhouse gas substance across the offshore area; and
 - (b) to and in relation to a person who:
 - (i) is in the offshore area for a reason of the kind referred to in paragraph (a); or
 - (ii) is in, on, above, below or in the vicinity of a vessel, aircraft, structure or installation, or equipment or other property, that is in the offshore area for a reason of the kind referred to in paragraph (a); and
 - (c) to and in relation to a person in relation to:
 - (i) the carrying on by the person of any operation; or
 - (ii) the doing by the person of any work;in the offshore area for a reason of the kind referred to in paragraph (a).
- (6) Subsection (5) does not limit subsection (4).

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- (7) For the purposes of this section, a law is taken to be a law in force in a State or Territory even though that law applies to part only of that State or Territory.

81 Disapplication and modification of laws

- (1) The regulations may provide that a law:
- (a) does not apply by reason of section 80 in an offshore area; or
 - (b) applies by reason of section 80 in an offshore area with such modifications as are specified in the regulations.
- (2) For the purposes of subsection (1), *modifications* includes additions, omissions and substitutions.
- (3) Regulations made for the purposes of subsection (1) may make provision for, and in relation to:
- (a) investing a court of a State with federal jurisdiction; or
 - (b) conferring jurisdiction on a court of a Territory.

82 Limit on application of laws

Section 80 does not give to the provisions of a law of a State or the Northern Territory an operation, as a law of the Commonwealth, that they would not have, as a law of the State or the Northern Territory, if it were assumed that the offshore area of the State or the Northern Territory were within the part of the scheduled area for the State or the Northern Territory that is on the landward side of the offshore area of the State or the Northern Territory.

83 Inconsistent law not applied

Section 80 does not apply a law in so far as the law would be inconsistent with a law of the Commonwealth (including this Act).

84 Criminal laws not applied

- (1) Section 80 does not apply laws that are substantive criminal laws, or laws of criminal investigation, procedure and evidence, within the meaning of Schedule 1 to the *Crimes at Sea Act 2000*.
- (2) This Act does not detract from the operation of the *Crimes at Sea Act 2000*.

85 Tax laws not applied

Section 80 does not operate so as to impose a tax.

86 Appropriation law not applied

Section 80 does not operate so as to appropriate any public money of a Territory.

87 Applied laws not to confer Commonwealth judicial power

Section 80 does not operate so as to confer the judicial power of the Commonwealth on a court, tribunal, authority or officer of a State or Territory.

88 Applied laws not to contravene constitutional restrictions on conferral of powers on courts

Section 80 does not operate so as to confer on a court of a State or Territory a power that cannot, under the Constitution, be conferred by the Parliament on such a court.

89 State or Northern Territory occupational health and safety laws do not apply in relation to facilities

State or Northern Territory OHS laws are not applied by section 80

- (1) Section 80 of this Act, and section 6 of the *Ashmore and Cartier Islands Acceptance Act 1933*, do not apply a law in relation to:

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- (a) a facility located in the offshore area of a State, the Northern Territory or the Territory of Ashmore and Cartier Islands; or
 - (b) a person at such a facility; or
 - (c) a person near such a facility, to the extent to which the person is affected by:
 - (i) such a facility; or
 - (ii) activities that take place at such a facility; or
 - (d) activities that take place at such a facility;
- if the law is:
- (e) a law of that State or the Northern Territory; and
 - (f) prescribed in the regulations.

Note: The *offshore area* of a State or Territory is defined by section 8.

- (2) A law prescribed under subsection (1) must be:
- (a) a law relating to occupational health and safety; or
 - (b) a law relating to occupational health and safety and to other matters.

State or Northern Territory OHS laws do not apply of their own force

- (3) A law that is:
- (a) a law of a State or the Northern Territory; and
 - (b) prescribed under subsection (1);
- does not apply, by force of the law of that State or the Northern Territory, in relation to:
- (c) a facility located in the offshore area of that State or the Northern Territory; or
 - (d) a person at such a facility; or
 - (e) a person near such a facility, to the extent to which the person is affected by:
 - (i) such a facility; or
 - (ii) activities that take place at such a facility; or
 - (f) activities that take place at such a facility.

Note: The *offshore area* of a State or Territory is defined by section 8.

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*Substantive criminal provisions of State or Northern Territory
OHS laws are not applied by Crimes at Sea Act 2000*

- (4) Despite subclauses 2(1) and (2) of Schedule 1 to the *Crimes at Sea Act 2000*, a law of a State or the Northern Territory that is:
- (a) referred to in those subclauses; and
 - (b) prescribed in the regulations;
- does not apply in relation to:
- (c) a facility located in the offshore area of that State, the Northern Territory or the Territory of Ashmore and Cartier Islands; or
 - (d) a person at such a facility; or
 - (e) a person near such a facility, to the extent to which the person is affected by:
 - (i) such a facility; or
 - (ii) activities that take place at such a facility; or
 - (f) activities that take place at such a facility;
- whether or not that application is:
- (g) by force of the law of that State or the Northern Territory; or
 - (h) by force of section 6 of the *Ashmore and Cartier Islands Acceptance Act 1933*; or
 - (i) by force of subclause 2(2) of that Schedule.

Note: The **offshore area** of a State or Territory is defined by section 8.

- (5) A law prescribed under subsection (4) must be:
- (a) a law relating to occupational health and safety; or
 - (b) a law relating to occupational health and safety and to other matters.

*Substantive criminal provisions of State or Northern Territory
listed OHS laws are not applied by Crimes at Sea Act 2000*

- (6) Despite subclauses 2(1) and (2) of Schedule 1 to the *Crimes at Sea Act 2000*, provisions of a State or Territory PSLA, or of regulations under a State or Territory PSLA, that substantially correspond to the listed OHS laws do not apply in relation to:

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- (a) a facility located in the offshore area of that State, the Northern Territory or the Territory of Ashmore and Cartier Islands; or
 - (b) a person at such a facility; or
 - (c) a person near such a facility, to the extent to which the person is affected by:
 - (i) such a facility; or
 - (ii) activities that take place at such a facility; or
 - (d) activities that take place at such a facility;
- whether or not that application is:
- (e) by force of the law of that State or the Northern Territory; or
 - (f) by force of section 6 of the *Ashmore and Cartier Islands Acceptance Act 1933*; or
 - (g) by force of subclause 2(2) of that Schedule.

Note: The **offshore area** of a State or Territory is defined by section 8.

Definitions

- (7) In this section:

facility has the same meaning as in Schedule 3.

law includes a part of a law.

State PSLA has the same meaning as in Part 6.9.

Territory PSLA has the same meaning as in Part 6.9.

Note: See also section 640, which deals with the application of Commonwealth maritime legislation in the offshore area of a State or Territory.

90 No limits on ordinary operation of law

This Part does not limit the operation that a law has apart from this Part.

91 Jurisdiction of State courts

- (1) The courts of a State are invested with federal jurisdiction in all matters arising under the laws applied under section 80 in the offshore area of the State.

Note: The *offshore area* of a State is defined by section 8.

- (2) Jurisdiction is invested under subsection (1) within the limits (other than the limits of locality) of the jurisdiction of the court (whether those limits are limits as to subject matter or otherwise).

92 Jurisdiction of Territory courts

- (1) Jurisdiction is conferred on the courts that have jurisdiction in a Territory in all matters arising out of the laws applied under section 80 in the offshore area of the Territory.

Note: The *offshore area* of a Territory is defined by section 8.

- (2) Jurisdiction is conferred under subsection (1) within the limits (other than the limits of locality) of the jurisdiction of the court (whether those limits are limits as to subject matter or otherwise).

93 Validation of certain acts

If:

- (a) a person or a court does an act in the purported exercise of a power, or the purported performance of a function, under a law of a State or Territory; and
- (b) the act could have been done by the person or court in the exercise of a power, or the performance of a function, under the applied provisions;

the act is taken to have been done in the exercise of the power, or performance of the function, under the applied provisions.

Note: *Applied provisions* is defined by section 7.

94 Certain provisions not affected by this Part

The following provisions have effect despite anything in this Part:

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- (a) Division 2 of Part 1.2;
- (b) Chapters 2 to 9;
- (c) Schedule 5.

Chapter 2—Regulation of activities relating to petroleum

Part 2.1—Introduction

95 Simplified outline

The following is a simplified outline of this Chapter:

- This Chapter provides for the grant of the following titles:
 - (a) a petroleum exploration permit (see Part 2.2);
 - (b) a petroleum retention lease (see Part 2.3);
 - (c) a petroleum production licence (see Part 2.4);
 - (d) an infrastructure licence (see Part 2.5);
 - (e) a pipeline licence (see Part 2.6);
 - (f) a petroleum special prospecting authority (see Part 2.7);
 - (g) a petroleum access authority (see Part 2.8).
- A petroleum exploration permit authorises the permittee to explore for petroleum in the permit area.
- If a petroleum pool is identified in a petroleum exploration permit area, the Joint Authority may declare a location over the blocks to which the petroleum pool extends.

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- After the declaration of a location, the permittee may apply for a petroleum retention lease or a petroleum production licence.
- A petroleum retention lease is granted if the recovery of petroleum is not currently commercially viable, but is likely to become commercially viable within 15 years. The lessee may apply for a petroleum production licence.
- A petroleum production licence authorises the licensee to carry out petroleum recovery operations in the licence area.
- An infrastructure licence authorises the licensee to construct and operate an infrastructure facility in the licence area. An infrastructure facility may relate to petroleum or a greenhouse gas substance.
- A pipeline licence authorises the licensee to construct and operate a pipeline. A pipeline may be used to convey petroleum or a greenhouse gas substance.
- A petroleum special prospecting authority authorises the holder to carry on petroleum exploration operations in the authority area (but not to make a well).
- A petroleum access authority authorises the holder to carry on certain petroleum exploration operations, and certain operations relating to the recovery of petroleum, in the authority area (but not to make a well).
- Part 2.9 provides for the grant of petroleum scientific investigation consents. A petroleum scientific investigation consent authorises the holder to carry on petroleum exploration operations in the course of a scientific investigation.

Part 2.2—Petroleum exploration permits

Division 1—General provisions

96 Simplified outline

The following is a simplified outline of this Part:

- It is an offence to explore for petroleum in an offshore area except:
 - (a) under a petroleum exploration permit; or
 - (b) as otherwise authorised or required by or under this Act.
- This Part provides for the grant of petroleum exploration permits over blocks in an offshore area.
- A petroleum exploration permit authorises the permittee to explore for petroleum in the permit area.
- There are 4 types of petroleum exploration permits:
 - (a) a petroleum exploration permit granted on the basis of work program bidding (a ***work-bid petroleum exploration permit***);
 - (b) a petroleum exploration permit granted on the basis of cash bidding (a ***cash-bid petroleum exploration permit***);
 - (c) a petroleum exploration permit granted over a surrendered block or certain other blocks (a ***special petroleum exploration permit***);
 - (d) a petroleum exploration permit granted as a result of a change in the boundary of the coastal waters of a State or Territory (a ***boundary-change petroleum exploration permit***).

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- If a petroleum pool is identified in a petroleum exploration permit area, the Joint Authority may declare a location over the blocks to which the petroleum pool extends.

97 Prohibition of unauthorised exploration for petroleum in offshore area

- (1) A person commits an offence if:
- (a) the person explores for petroleum; and
 - (b) the exploration occurs in an offshore area.

Penalty: Imprisonment for 5 years.

- (2) Subsection (1) does not apply to conduct that is:
- (a) authorised by a petroleum exploration permit; or
 - (b) otherwise authorised or required by or under this Act.

Note: The defendant bears an evidential burden in relation to the matter in subsection (2)—see subsection 13.3(3) of the *Criminal Code*.

98 Rights conferred by petroleum exploration permit

- (1) A petroleum exploration permit authorises the permittee, in accordance with the conditions (if any) to which the permit is subject:
- (a) to explore for petroleum in the permit area; and
 - (b) to recover petroleum on an appraisal basis in the permit area; and
 - (c) to carry on such operations, and execute such works, in the permit area as are necessary for those purposes.
- (2) Express references in this Act to the injection or storage of a substance do not imply that subsection (1) does not operate so as to authorise the permittee:
- (a) to carry on operations to inject a substance into the seabed or subsoil of an offshore area; or

- (b) to carry on operations to store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area.
- (3) The regulations may provide that a petroleum exploration permit authorises the permittee, in accordance with the conditions (if any) to which the permit is subject:
 - (a) to explore in the permit area for a potential greenhouse gas storage formation; and
 - (b) to explore in the permit area for a potential greenhouse gas injection site; and
 - (c) to carry on such operations, and execute such works, in the permit area as are necessary for those purposes.
- (4) The rights conferred on the permittee by or under subsection (1) or (3) are subject to this Act and the regulations.

99 Conditions of petroleum exploration permits

- (1) The Joint Authority may grant a petroleum exploration permit subject to whatever conditions the Joint Authority thinks appropriate.

Note: A grant of a permit may be a grant by way of renewal—see section 11.

- (2) The conditions (if any) must be specified in the permit.
- (2A) Subsection (1) does not apply to a boundary-change petroleum exploration permit.

Permit to which Royalty Act applies

- (3) A petroleum exploration permit to which the Royalty Act applies is subject to a condition that the permittee will comply with the provisions of the Royalty Act.

Note: The Royalty Act applies to a small number of North West Shelf titles.

- (4) Despite subsection (2), the condition mentioned in subsection (3) does not need to be specified in the permit.

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Work-bid petroleum exploration permits and special petroleum exploration permits

- (5) Any or all of the following conditions may be specified in a work-bid petroleum exploration permit or a special petroleum exploration permit:
- (a) conditions requiring the permittee to carry out work in, or in relation to, the permit area (including conditions requiring the permittee to carry out the work during a period of 12 months or longer, or during periods each of which is 12 months or longer);
 - (b) conditions relating to the amounts that the permittee must spend in carrying out such work;
 - (c) conditions requiring the permittee to comply with directions that:
 - (i) relate to the matters covered by paragraphs (a) and (b); and
 - (ii) are given in accordance with the permit.
- (6) Subsection (5) does not limit subsection (1) or (10).

Cash-bid petroleum exploration permits

- (7) Despite subsection (1), a cash-bid petroleum exploration permit must not be granted subject to conditions requiring the permittee to:
- (a) carry out work in, or in relation to, the permit area; or
 - (b) spend particular amounts on the carrying out of work in, or in relation to, the permit area.

Note: A grant of a permit may be a grant by way of renewal—see section 11.

Declared petroleum exploration permits—approval of key petroleum operations

- (8) A declared petroleum exploration permit is subject to the condition that the permittee will not carry on key petroleum operations under

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the permit unless the responsible Commonwealth Minister has approved the operations under section 100.

- (9) Despite subsection (2), the condition mentioned in subsection (8) does not need to be specified in the permit.
- (10) If, under section 100, the responsible Commonwealth Minister approves the carrying on of one or more key petroleum operations under a declared petroleum exploration permit, the responsible Commonwealth Minister may, by written notice given to the permittee, vary the permit by imposing one or more conditions to which the permit is subject.
- (11) A variation of a declared petroleum exploration permit under subsection (10) takes effect on the day on which notice of the variation is given to the permittee.
- (12) A condition imposed under subsection (10) may require the permittee to ensure that:
 - (a) all wells; or
 - (b) one or more specified wells;made in the permit area by any person engaged or concerned in operations authorised by the permit are made in a manner, and to a standard, that will facilitate the plugging or closing off of the wells in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.
- (13) Subsection (12) does not limit:
 - (a) subsection (10); or
 - (b) Part 6.2; or
 - (c) Part 6.4.
- (14) If:
 - (a) a declared petroleum exploration permit is subject to a condition; and
 - (b) the condition was imposed under subsection (10);

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the responsible Commonwealth Minister may, by written notice given to the permittee, vary or revoke the condition.

- (15) A variation of a declared petroleum exploration permit under subsection (14) takes effect on the day on which notice of the variation is given to the permittee.
- (16) Subsection (14) does not limit section 264.

Boundary-change petroleum exploration permits

- (17) The Joint Authority may, by written notice given to the permittee of a boundary-change petroleum exploration permit, vary the permit by imposing one or more conditions to which the permit is subject.
- (18) A notice under subsection (17) must be given within 14 days after the grant of the permit.
- (19) A variation under subsection (17) takes effect on the day on which notice of the variation is given to the permittee.
- (20) If:
 - (a) the grant of a boundary-change petroleum exploration permit is consequential on a State/Territory petroleum exploration title ceasing to be in force as mentioned in paragraph 118A(2)(b) or (3)(b); and
 - (b) the State/Territory petroleum exploration title is of a kind that corresponds to a work-bid petroleum exploration permit or a special petroleum exploration permit;any or all of the conditions mentioned in subsection (21) of this section may be specified in:
 - (c) the boundary-change petroleum exploration permit; or
 - (d) a petroleum exploration permit granted under Division 5 by way of the renewal of the boundary-change petroleum exploration permit.
- (21) The following conditions are specified for the purposes of subsection (20):

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- (a) conditions requiring the permittee to carry out work in, or in relation to, the permit area (including conditions requiring the permittee to carry out the work during a period of 12 months or longer, or during periods each of which is 12 months or longer);
 - (b) conditions relating to the amounts that the permittee must spend in carrying out such work;
 - (c) conditions requiring the permittee to comply with directions that:
 - (i) relate to the matters covered by paragraphs (a) and (b); and
 - (ii) are given in accordance with the permit.
- (22) Subsection (20) does not limit subsection (10) or (17).
- (23) If:
- (a) the grant of a boundary-change petroleum exploration permit is consequential on a State/Territory petroleum exploration title ceasing to be in force as mentioned in paragraph 118A(2)(b) or (3)(b); and
 - (b) the State/Territory petroleum exploration title is of a kind that corresponds to a cash-bid petroleum exploration permit;
- the conditions mentioned in subsection (24) of this section must not be specified in:
- (c) the boundary-change petroleum exploration permit; or
 - (d) a petroleum exploration permit granted under Division 5 by way of the renewal of the boundary-change petroleum exploration permit.
- (24) The following conditions are specified for the purposes of subsection (23):
- (a) conditions requiring the permittee to carry out work in, or in relation to, the permit area;
 - (b) conditions requiring the permittee to spend particular amounts on the carrying out of work in, or in relation to, the permit area.

Section 100

100 Declared petroleum exploration permit—approval by responsible Commonwealth Minister of key petroleum operations

- (1) The registered holder of a declared petroleum exploration permit may apply to the responsible Commonwealth Minister for approval to carry on one or more key petroleum operations under the permit.
- (2) If an application for approval is made under subsection (1), the responsible Commonwealth Minister may:
 - (a) give the approval; or
 - (b) by written notice given to the applicant, refuse to give the approval.

Responsible Commonwealth Minister must have regard to certain matters

- (3) In deciding whether to give the approval, the responsible Commonwealth Minister must comply with subsections (4), (5), (6) and (7).
- (4) The responsible Commonwealth Minister must have regard to the impact (if any) that any of those key petroleum operations could have on:
 - (a) operations for the injection of a greenhouse gas substance; or
 - (b) operations for the storage of a greenhouse gas substance;that are being, or could be, carried on under:
 - (c) an existing greenhouse gas assessment permit; or
 - (d) an existing greenhouse gas holding lease; or
 - (e) an existing greenhouse gas injection licence; or
 - (f) if a greenhouse gas assessment permit or a greenhouse gas holding lease is in force over a block or blocks:
 - (i) a future greenhouse gas holding lease over the block or any of the blocks; or
 - (ii) a future greenhouse gas injection licence over the block or any of the blocks.

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- (5) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:
- (a) operations for the injection of a greenhouse gas substance; or
 - (b) operations for the storage of a greenhouse gas substance;
- that are being, or could be, carried on under:
- (c) an existing greenhouse gas assessment permit held by a person other than the applicant; or
 - (d) an existing greenhouse gas holding lease held by a person other than the applicant; or
 - (e) an existing greenhouse gas injection licence held by a person other than the applicant;
- the responsible Commonwealth Minister must have regard to:
- (f) whether the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence, as the case may be, has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied; and
 - (g) if so—the terms of that agreement.
- (6) If:
- (a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:
 - (i) operations for the injection of a greenhouse gas substance; or
 - (ii) operations for the storage of a greenhouse gas substance;that could be carried on under:
 - (iii) a future greenhouse gas holding lease over a block or blocks; or
 - (iv) a future greenhouse gas injection licence over a block or blocks; and

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- (b) a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is in force over the block or any of the blocks; and
 - (c) the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is held by a person other than the applicant;
- the responsible Commonwealth Minister must have regard to:
- (d) whether the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence covered by paragraph (b) has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied; and
 - (e) if so—the terms of that agreement.
- (7) The responsible Commonwealth Minister must have regard to the public interest.
- (8) Subsections (4), (5) and (6) do not limit subsection (7).
- (9) Subsections (4), (5), (6) and (7) do not limit the matters to which the responsible Commonwealth Minister may have regard.

Responsible Commonwealth Minister must not give approval in certain circumstances

- (10) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:
- (a) operations for the injection of a greenhouse gas substance; or
 - (b) operations for the storage of a greenhouse gas substance;
- that are being, or could be, carried on under an existing greenhouse gas injection licence, the responsible Commonwealth Minister must not give the approval unless the registered holder of the greenhouse gas injection licence has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied.

No right to an approval

- (11) To avoid doubt, section 98 does not imply that a petroleum exploration permittee who applies for approval under subsection (1) of this section is entitled to be given the approval.

Suspension of rights

- (12) For the purposes of this section, disregard a suspension of rights under section 438.

101 Declared petroleum exploration permits

(1) If:

- (a) a post-commencement petroleum exploration permit is in force; and
- (b) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the key petroleum operations that could be carried on under the permit will have a significant adverse impact on:
 - (i) operations for the injection of a greenhouse gas substance; or
 - (ii) operations for the storage of a greenhouse gas substance;that are being, or could be, carried on under:
 - (iii) an existing greenhouse gas assessment permit; or
 - (iv) an existing greenhouse gas holding lease; or
 - (v) an existing greenhouse gas injection licence; or
 - (vi) a future greenhouse gas assessment permit; or
 - (vii) a future greenhouse gas holding lease; or
 - (viii) a future greenhouse gas injection licence;

the responsible Commonwealth Minister may, by written notice given to the petroleum exploration permittee, determine that the petroleum exploration permit is a ***declared petroleum exploration permit*** for the purposes of this Act.

(2) If:

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- (a) a determination is in force under subsection (1) in relation to a post-commencement petroleum exploration permit; and
- (b) the responsible Commonwealth Minister is not satisfied that there is a significant risk that any of the key petroleum operations that could be carried on under the permit will have a significant adverse impact on:
 - (i) operations for the injection of a greenhouse gas substance; or
 - (ii) operations for the storage of a greenhouse gas substance;that are being, or could be, carried on under:
 - (iii) an existing greenhouse gas assessment permit; or
 - (iv) an existing greenhouse gas holding lease; or
 - (v) an existing greenhouse gas injection licence; or
 - (vi) a future greenhouse gas assessment permit; or
 - (vii) a future greenhouse gas holding lease; or
 - (viii) a future greenhouse gas injection licence;the responsible Commonwealth Minister must, by written notice given to the petroleum exploration permittee, revoke the determination.

102 Duration of petroleum exploration permit

- (1) The duration of a petroleum exploration permit is worked out using the table:

Duration of petroleum exploration permits		
Item	This kind of permit...	remains in force...
1	an original petroleum exploration permit (other than a boundary-change petroleum exploration permit)	for the period of 6 years beginning on: (a) the day on which the permit is granted; or (b) if a later day is specified in the permit as the day on which the permit is to come into force—that later day.
2	a petroleum exploration permit granted by way of renewal	for the period of 5 years beginning on: (a) the day on which the permit is granted; or (b) if a later day is specified in the permit as the day on which the permit is to come into force—that later day.
3	a boundary-change petroleum exploration permit granted under subsection 118A(4)	for the period of 5 years beginning on the day on which the permit is granted.
4	a boundary-change petroleum exploration permit granted under subsection 118A(5)	for the period of 12 months beginning on the day on which the permit is granted.

- (2) Subsection (1) has effect subject to this Chapter.

Note 1: For a special rule about the extension of the duration of a petroleum exploration permit if the permittee applies for a petroleum retention lease or petroleum production licence, see section 103.

Note 2: For a special rule about the extension of the duration of petroleum exploration permits pending decisions on renewal applications, see subsection 119(5).

Section 103

- Note 3: For a special rule about the extension of the duration of cash-bid petroleum exploration permits, see section 114.
- Note 4: For special rules about the extension of the duration of a petroleum exploration permit following a suspension decision, see sections 265 and 267.
- Note 4A: For a special rule about the extension of the duration of a petroleum exploration permit pending a suspension decision, see section 265A.
- Note 5: For the revocation of a petroleum exploration permit, see section 188 and clause 8 of Schedule 4.
- Note 6: For special rules about when a petroleum exploration permit ceases to be in force following the grant of a petroleum retention lease or petroleum production licence, see sections 145 and 176.
- Note 7: For the surrender of a petroleum exploration permit, see Part 2.12.
- Note 8: For the cancellation of a petroleum exploration permit, see Part 2.13.

103 Extension of petroleum exploration permit if permittee applies for petroleum retention lease or petroleum production licence

(1) If:

- (a) a petroleum exploration permit over a block or blocks cannot be renewed or further renewed; and
- (b) before the time when the permit would, apart from this subsection, expire, the permittee applies to the Titles Administrator for the grant by the Joint Authority of a petroleum retention lease or petroleum production licence over the block or one or more of the blocks; and
- (c) the block or blocks covered by the application are included in a location;

the table has effect:

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Extension of permit		
Item	In this case...	the permit continues in force over the block or blocks covered by the application until...
1	the Joint Authority gives the permittee an offer document relating to a petroleum retention lease or petroleum production licence over the block or one or more of the blocks	the lease or licence is granted, the permittee withdraws the application or the application lapses.
2	the application is for a petroleum retention lease and the Joint Authority decides not to grant the lease to the permittee	the end of the period of one year after the day on which the notice of refusal was given to the permittee.
3	the application is for a petroleum production licence and the Joint Authority decides not to grant the licence to the permittee	notice of the decision is given to the permittee.

(2) Subsection (1) has effect subject to this Chapter but despite section 102.

Note: See the notes at the end of section 102.

Division 2—Obtaining a work-bid petroleum exploration permit

104 Application for work-bid petroleum exploration permit— advertising of blocks

Invitation to apply for a petroleum exploration permit

- (1) The Joint Authority may, by notice published in the *Gazette*:
 - (a) invite applications for the grant by the Joint Authority of a petroleum exploration permit over the block, or any or all of the blocks, specified in the notice; and
 - (b) specify a period within which applications may be made.
- (2) If the Joint Authority has published a notice under subsection 110(1) inviting applications for the grant of a petroleum exploration permit over a block, the block must not be specified in a notice under subsection (1) of this section at any time during the period specified in the subsection 110(1) notice.

Note: Subsection 110(1) deals with cash-bid petroleum exploration permits.

Application for petroleum exploration permit

- (3) An application under this section must be accompanied by details of:
 - (a) the applicant's proposals for work and expenditure in relation to the block or blocks specified in the application; and
 - (b) the technical qualifications of the applicant and of the applicant's employees; and
 - (c) the technical advice available to the applicant; and
 - (d) the financial resources available to the applicant.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

Maximum number of blocks

- (4) The number of blocks specified in an application under this section must not be more than 400.

Minimum number of blocks

- (5) If 16 or more blocks are available, the number of blocks specified in an application under this section must not be less than 16.
- (6) If less than 16 blocks are available, the number of blocks specified in an application under this section must be the number available.
- (7) Subsections (5) and (6) do not apply to applications if the Joint Authority, for reasons that the Joint Authority thinks sufficient, includes in the subsection (1) notice a direction that subsections (5) and (6) do not apply to those applications.

Attributes of blocks

- (8) The blocks specified in an application under this section must be blocks that are constituted by graticular sections that:
- (a) constitute a single area; and
 - (b) are such that each graticular section in that area has a side in common with at least one other graticular section in that area.
- (9) Subsection (8) does not apply to applications if the Joint Authority, for reasons that the Joint Authority thinks sufficient, includes in the subsection (1) notice a direction that subsection (8) does not apply to those applications.

Section 105

105 Grant of work-bid petroleum exploration permit—offer document

Scope

- (1) This section applies if an application for the grant of a petroleum exploration permit has been made under section 104.

Offer document

- (2) The Joint Authority may:
- (a) give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant a petroleum exploration permit over the block or blocks specified in the offer document; or
 - (b) by written notice given to the applicant, refuse to grant a petroleum exploration permit to the applicant.

Note 1: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document—see subsection 258(3).

106 Ranking of multiple applicants for work-bid petroleum exploration permit

Scope

- (1) This section applies if:
- (a) the Joint Authority publishes a notice under subsection 104(1) inviting applications for the grant of a petroleum exploration permit; and
 - (b) at the end of the period specified in the notice, 2 or more applications have been made under section 104 for the grant of a petroleum exploration permit over the same block or blocks.

Most deserving applicant may be given offer document

- (2) The Joint Authority may give an offer document under section 105 to whichever applicant, in the Joint Authority's opinion, is most deserving of the grant of the petroleum exploration permit.
- (3) In determining which of the applicants is most deserving of the grant of the petroleum exploration permit, the Joint Authority must have regard to criteria made publicly available by the Joint Authority.

Ranking of applicants

- (4) For the purposes of this section, the Joint Authority may rank the applicants in the order in which, in the Joint Authority's opinion, they are deserving of the grant of the petroleum exploration permit, with the most deserving applicant being ranked highest.
- (5) The Joint Authority may exclude from the ranking any applicant who, in the Joint Authority's opinion, is not deserving of the grant of the petroleum exploration permit.

Applicants who are equally deserving of the grant of the petroleum exploration permit

- (6) If the Joint Authority:
 - (a) has considered the information accompanying the applications; and
 - (b) is of the opinion that 2 or more of the applicants are equally deserving of the grant of the petroleum exploration permit;the Joint Authority may, by written notice given to each of those applicants, invite them to give the Joint Authority details (the **work/expenditure details**) of their proposals for additional work and expenditure in relation to the block or blocks concerned.
- (7) A notice under subsection (6) must:
 - (a) specify the kinds of work/expenditure details that the Joint Authority considers to be relevant in determining which of

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the applicants is most deserving of the grant of the petroleum exploration permit; and

- (b) specify the period within which the work/expenditure details must be given to the Joint Authority.

- (8) If an applicant gives work/expenditure details to the Joint Authority, and those details are:

- (a) of a kind specified in the notice; and
 - (b) given within the period specified in the notice;

the Joint Authority must have regard to the details in determining which of the applicants is most deserving of the grant of the petroleum exploration permit.

Criteria

- (9) An instrument setting out criteria under subsection (3) is not a legislative instrument.

Note: See also section 109, which deals with the effect of the withdrawal or lapse of an application.

107 Grant of work-bid petroleum exploration permit

If:

- (a) an applicant has been given an offer document under section 105; and
- (b) the applicant has made a request under section 260 in relation to the offer document within the period applicable under that section;

the Joint Authority must grant the applicant a petroleum exploration permit over the block or blocks specified in the offer document.

Note: If the applicant does not make a request under section 260 within the period applicable under that section, the application lapses at the end of that period—see subsection 260(4).

108 Withdrawal of application

Scope

- (1) This section applies if the Joint Authority publishes a notice under subsection 104(1) inviting applications for the grant of a petroleum exploration permit.

Withdrawal by single applicant

- (2) If a person has made an application, the person may, by written notice given to the Joint Authority, withdraw the application at any time before a petroleum exploration permit is granted as a result of the application.

Withdrawal by all joint applicants

- (3) If 2 or more persons have made a joint application, all of those persons may, by written notice given to the Joint Authority, withdraw the application at any time before a petroleum exploration permit is granted as a result of the application.

Withdrawal by one or more, but not all, joint applicants

- (4) If:
- (a) a joint application was made under section 104 for the grant of a petroleum exploration permit; and
 - (b) all of the joint applicants, by written notice given to the Joint Authority, tell the Joint Authority that one or more, but not all, of them, as specified in the notice, withdraw from the application;
- then:
- (c) the application continues in force as if it had been made by the remaining applicant or applicants; and
 - (d) if the Joint Authority had given the joint applicants an offer document in relation to the application—the Joint Authority is taken not to have given the offer document to the joint applicants.

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109 Effect of withdrawal or lapse of application

Scope

- (1) This section applies if:
- (a) 2 or more applications have been made under section 104 for the grant of a petroleum exploration permit over the same block or blocks; and
 - (b) one or more, but not all, of the applications are withdrawn or have lapsed.

Application is taken not to have been made

- (2) A withdrawn or lapsed application is taken not to have been made.

Offer document is taken not to have been given

- (3) If the Joint Authority gave an offer document in relation to a withdrawn or lapsed application, the Joint Authority is taken not to have given an offer document in relation to the withdrawn or lapsed application.

Request to grant petroleum exploration permit

- (4) If the applicant, or one of the applicants, whose application had been withdrawn had requested the Joint Authority under section 260 to grant a petroleum exploration permit to the applicant concerned, the request is taken not to have been made.

Refusal to grant petroleum exploration permit

- (5) If the following conditions are satisfied in relation to a remaining applicant:
- (a) the Joint Authority had refused to grant a petroleum exploration permit to the remaining applicant;
 - (b) the Joint Authority did not exclude the remaining applicant from the ranking under subsection 106(5);
- the refusal is taken not to have occurred.

Division 3—Obtaining a cash-bid petroleum exploration permit

110 Cash-bid petroleum exploration permit—application

Invitation to apply for a petroleum exploration permit

- (1) The Joint Authority may, by notice published in the *Gazette*:
 - (a) invite applications for the grant by the Joint Authority of a petroleum exploration permit by way of cash bidding over the block or blocks specified in the notice; and
 - (b) specify a period within which applications may be made.
- (2) If the Joint Authority has published a notice under subsection 104(1) inviting applications for the grant of a petroleum exploration permit over a block, the block must not be specified in a notice under subsection (1) of this section at any time during the period specified in the subsection 104(1) notice.

Note: Subsection 104(1) deals with work-bid petroleum exploration permits.

- (3) A notice under subsection (1) must:
 - (a) state whether the permit is able to be renewed; and
 - (b) contain a summary of the conditions to which the permit will be subject; and
 - (c) specify the matters that the Joint Authority will take into account in deciding under section 111 whether to invite the applicant to make a cash bid.

Reserve price

- (3A) Before publishing a notice under subsection (1), the Joint Authority must, in writing, determine a reserve price for the grant of the permit.
- (3B) A notice under subsection (1) may specify the reserve price so determined, but does not need to do so.

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- (3C) A determination under subsection (3A) is not a legislative instrument.

More than one block

- (4) If a notice under subsection (1) specifies more than one block, those blocks must be constituted by graticular sections that:
- (a) constitute a single area; and
 - (b) are such that each graticular section in that area has a side in common with at least one other graticular section in that area.

Application for petroleum exploration permit

- (5) If a notice under subsection (1) specifies more than one block, an application under this section must be for a petroleum exploration permit over all of the specified blocks.
- (6) An application under this section must be accompanied by details of:
- (a) the technical qualifications of the applicant and of the applicant's employees; and
 - (b) the technical advice available to the applicant; and
 - (c) the financial resources available to the applicant.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

111 Cash-bid petroleum exploration permit—cash bids

Invitations to make a cash bid

- (1) For each application for a cash-bid petroleum exploration permit in accordance with a notice under subsection 110(1), the Joint Authority must, taking into account the matters specified in the notice under paragraph 110(3)(c), by written notice to each applicant:

- (a) invite the applicant (an *eligible applicant*) to make a cash bid for the grant of the permit within a period stated in the invitation; or
- (b) reject the application.

How to make a cash bid

- (2) An eligible applicant may make a single cash bid in response to the invitation under subsection (1) by written notice to the Joint Authority:
 - (a) given within the period stated in the invitation; and
 - (b) specifying an amount (the *cash bid*) the applicant would be prepared to pay for the grant of a permit; and
 - (c) accompanied by a deposit of 10% of the cash bid.

Note 1: A cash bid must be made in an approved manner (see section 255).

Note 2: The Joint Authority can only make an offer of the grant of a permit to an applicant at a price that is equal to or higher than the reserve price (see sections 112 and 112A). The reserve price may be specified in the notice under subsection 110(1), but it need not be (see subsection 110(3B)).

- (3) A deposit accompanying a notice under subsection (2) is taken to be paid to the Titles Administrator on behalf of the Commonwealth.

Lapsed applications

- (4) If an eligible applicant does not respond to the invitation in accordance with subsection (2), the application lapses.

112 Cash-bid petroleum exploration permit—cash bids less than the reserve price

Scope

- (1) This section applies to an eligible applicant for the grant of a cash-bid petroleum exploration whose cash bid under section 111 is less than the reserve price determined under section 110 for the grant of the permit.

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Note: The reserve price may be specified in the notice under subsection 110(1) in relation to the grant of the permit, but it need not be (see subsection 110(3B)).

Rejection of applications generally

- (2) The Joint Authority must reject the application by written notice to the applicant unless:
- (a) the reserve price is not specified in the notice under subsection 110(1); and
 - (b) the applicant's cash bid is:
 - (i) the only cash bid, or the highest cash bid, for the grant of the permit that is less than the reserve price; or
 - (ii) equal to one or more other cash bids which are the only cash bids, or the highest cash bids, for the grant of the permit that are less than the reserve price.

Note: Applications to which paragraphs (a) and (b) apply may be rejected under subsection (3) of this section, or following the grant of the permit to another applicant under section 113. They may also lapse under section 260A if the applicant fails to respond to an offer made under subsection (3) of this section.

Offer of grant of permit at reserve price

- (3) The following table applies if:
- (a) the reserve price is not specified in the notice under subsection 110(1); and
 - (b) the only cash bids for the grant of the permit made under section 111 are less than the reserve price.

Offer of grant of permit at reserve price

Item	If ...	then ...
1	the applicant's cash bid is: (a) the only cash bid; or (b) the single highest cash bid	the Joint Authority must: (a) give a written notice (called an offer document) to the applicant telling the applicant that the Joint Authority is prepared to grant the permit to the applicant for a specified permit price that is equal to the reserve price; or (b) reject the application by written notice to the applicant.
2	2 or more applicants (<i>tied applicants</i>) make cash bids that are: (a) equal to each other's cash bids; and (b) either the only cash bids, or higher than all the other cash bids	the Joint Authority must: (a) give an offer document to the tied applicant whose cash bid was received earliest telling that tied applicant that the Joint Authority is prepared to grant the permit to the tied applicant for a specified permit price that is equal to the reserve price; or (b) reject the application, and those of all the other tied applicants, by written notice to each tied applicant.

Note 1: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If an applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document.

- (4) In considering whether to give an offer document to an applicant under subsection (3), the Joint Authority must have regard to the difference between the applicant's cash bid and the reserve price.

Section 112A

Refund of deposit to rejected applicants

- (5) If the Joint Authority rejects an application under this section, the Titles Administrator, on behalf of the Commonwealth, must refund to the applicant an amount equal to the applicant's deposit under section 111.

112A Cash-bid petroleum exploration permit—highest cash bids at or over the reserve price

Scope

- (1) This section applies in relation to a cash bid (a **qualifying cash bid**) under section 111 by an eligible applicant for the grant of a cash-bid petroleum exploration permit that is equal to or higher than the reserve price determined under section 110.

Issue of offer documents etc.

- (2) The following table sets out the circumstances in which the Joint Authority must give an offer document, or an invitation to make a tie-breaking cash bid, to an eligible applicant who makes a qualifying cash bid.

Issue of offer documents or tie-breaking invitations		
Item	If ...	the Joint Authority must ...
1	the applicant's cash bid is: (a) the only qualifying cash bid; or (b) the single highest qualifying cash bid	give a written notice (called an offer document) to the applicant telling the applicant that the Joint Authority is prepared to grant the permit to the applicant.

Section 112B

Issue of offer documents or tie-breaking invitations		
Item	If ...	the Joint Authority must ...
2	2 or more eligible applicants (<i>tied applicants</i>) make qualifying cash bids that are: (a) equal to each other's cash bids; and (b) either the only qualifying cash bids, or higher than all the other qualifying cash bids	invite each tied applicant, by written notice (a <i>tie-breaking invitation</i>), to make a higher cash bid within a period stated in the tie-breaking invitation.
	Note 1:	Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).
	Note 2:	If an applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document.

112B Cash-bid petroleum exploration permit—tie-breaking invitation

Scope

- (1) This section applies if the Joint Authority, under section 112A, makes a tie-breaking invitation to 2 or more tied applicants for the grant of a cash-bid petroleum exploration permit.

Responses to the tie-breaking invitation

- (2) Before the end of the period stated in the tie-breaking invitation, a tied applicant may, by written notice to the Joint Authority, make a further cash bid (a ***tie-breaking cash bid***) higher than the applicant's previous cash bid.

Note: A tie-breaking cash bid must be made in an approved manner (see section 255).

- (3) The following table sets out the process for dealing with responses (if any) to the tie-breaking invitation.

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Responses to the tie-breaking invitation		
Item	If ...	then ...
1	a tied applicant makes a tie-breaking cash bid within the period stated in the tie-breaking invitation that is: (a) the only tie-breaking cash bid; or (b) the single highest tie-breaking cash bid	the Joint Authority must give a written notice (called an <i>offer document</i>) to that tied applicant telling the applicant that the Joint Authority is prepared to grant the permit to the applicant.
2	there are 2 or more tie-breaking cash bids by applicants (<i>further-tie applicants</i>) made within the period stated in the tie-breaking invitation that are: (a) equal to each other; and (b) either the only tie-breaking cash bids, or higher than all the other tie-breaking cash bids	the Joint Authority must give an offer document to the further-tie applicant whose tie-breaking cash bid was received earliest.
3	none of the tied applicants makes a tie-breaking cash bid within the period stated in the tie-breaking invitation	the Joint Authority must give an offer document to the tied applicant whose cash bid under section 111 was received earliest.

Note 1: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If an applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document.

113 Cash-bid petroleum exploration permit—grant

- (1) If:
- (a) an applicant has been given an offer document under section 112, 112A or 112B; and
 - (b) the applicant has made a request under section 260 in relation to the offer document within the period applicable under that section; and

- (c) the applicant has, within the applicable period under section 260, paid to the Titles Administrator, on behalf of the Commonwealth, the amount specified in the offer document as the balance of the permit price;

the Joint Authority must grant the applicant a petroleum exploration permit over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 260 within the period applicable under that section, the application lapses at the end of that period—see subsection 260(4).

Note 2: If the applicant has not paid the specified amount within the period applicable under section 261, the application lapses at the end of that period—see subsection 261(1).

- (2) If the Joint Authority grants a petroleum exploration permit to an applicant under subsection (1):
- (a) the Joint Authority must reject all other applications for the permit (other than those that have already been rejected, or have lapsed), by written notice to each of those applicants (each **rejected applicant**); and
 - (b) the Titles Administrator, on behalf of the Commonwealth, must refund to each rejected applicant an amount equal to the rejected applicant's deposit under section 111.

Note 1: An application may have already been rejected under section 111 (if the applicant is not invited to make a cash bid) or 112 (if the applicant's cash bid is less than the reserve price).

Note 2: An application may have already lapsed under section 111 (if the applicant fails to respond to a cash-bid invitation) or 260A (if the applicant fails to respond to an offer).

114 Extension of cash-bid petroleum exploration permit

Scope

- (1) This section applies if:
- (a) a cash-bid petroleum exploration permit expires; and
 - (b) the permit cannot be renewed.

Section 114

Note: See section 120 (non-renewable permits) and section 121 (limit on renewal of permits).

Extension of permit—requirement to nominate blocks as location

- (2) If, before the expiry of the permit:
- (a) the Joint Authority had required the permittee to nominate, under section 130, a block or blocks in relation to which the permit was in force; and
 - (b) the permittee had not complied with the requirement;
- the permit continues in force over that block or those blocks until the end of the period the permittee has to comply with the requirement.

Extension of permit—nomination of blocks as location, declaration of location

- (3) If, before the expiry of the permit:
- (a) a block or blocks in relation to which the permit was in force had been nominated under section 129; or
 - (b) both:
 - (i) a declaration under section 131 had been made in relation to a block or blocks in relation to which the permit was in force; and
 - (ii) the permittee had not requested that the declaration be revoked;
- the permit continues in force over that block or those blocks until whichever of the following events happens first:
- (c) a declaration under section 131 in relation to the block or blocks is revoked;
 - (d) a petroleum retention lease or a petroleum production licence is granted in relation to the block or blocks;

- (e) the application period referred to in section 141 in relation to the block or blocks ends without the permittee making an application under that section for a petroleum retention lease in relation to the block or blocks;
 - (f) if the Royalty Act does not apply to the permit—the application period referred to in section 169 in relation to the block or blocks ends without the permittee making an application under section 168 for a petroleum production licence over the block or blocks;
 - (g) if the Royalty Act applies to the permit—the application period referred to in clause 3 of Schedule 4 in relation to the block or blocks ends without the permittee making an application under clause 2 of Schedule 4 for a petroleum production licence over the block or blocks.
- (4) This section has effect subject to this Chapter but despite section 102.

Note: See the notes at the end of section 102.

Division 4—Obtaining a special petroleum exploration permit over a surrendered block or certain other blocks

115 Application for a special petroleum exploration permit over a surrendered block or certain other blocks

Invitation to apply for a petroleum exploration permit

- (1) If:
- (a) a petroleum retention lease is surrendered, cancelled or revoked to the extent to which it relates to a block or blocks; or
 - (b) a petroleum production licence is surrendered or cancelled to the extent to which it relates to a block or blocks; or
 - (c) a petroleum production licence that relates to a block or blocks is terminated; or
 - (d) both:
 - (i) a petroleum exploration permit is surrendered, cancelled or revoked to the extent to which it relates to a block or blocks; and
 - (ii) at the time of the surrender, cancellation or revocation, the block or blocks were, or were included in, a location;
- the Joint Authority may, at any later time, by notice published in the *Gazette*:
- (e) invite applications for the grant by the Joint Authority of a petroleum exploration permit over that block or such of those blocks as are specified in the notice; and
 - (f) specify a period within which applications may be made.
- (2) A notice under subsection (1) must state that an applicant must specify an amount that the applicant would be prepared to pay for the grant of the permit.

Section 115

Application for petroleum exploration permit

- (3) If a notice under subsection (1) specifies more than one block, an application under this section must be for a petroleum exploration permit over all of the specified blocks.
- (4) An application under this section must:
 - (a) be accompanied by details of:
 - (i) the applicant's proposals for work and expenditure in relation to the block or blocks specified in the application; and
 - (ii) the technical qualifications of the applicant and of the applicant's employees; and
 - (iii) the technical advice available to the applicant; and
 - (iv) the financial resources available to the applicant; and
 - (b) specify the amount that the applicant would be prepared to pay for the grant of the permit.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

- (5) An application under this section must be accompanied by a deposit of 10% of the amount that the applicant has specified under paragraph (4)(b).

Refund of deposit

- (6) If the permit is not granted, the deposit must be refunded to the applicant.
- (7) Subsection (6) does not apply if:
 - (a) the applicant has been given an offer document under section 116 or 117 in relation to the application; and
 - (b) the applicant does not, under section 260, request the grant of the permit.

Section 116

116 Grant of special petroleum exploration permit—only one application

Scope

- (1) This section applies if:
 - (a) the Joint Authority publishes a notice under subsection 115(1) inviting applications for the grant of a petroleum exploration permit over a block or blocks; and
 - (b) at the end of the period specified in the notice, only one application has been made under section 115 in relation to the block or blocks.

Offer document

- (2) The Joint Authority may:
 - (a) give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant a petroleum exploration permit over that block or those blocks; or
 - (b) by written notice given to the applicant, reject the application.

Note 1: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document—see subsection 258(3).

117 Grant of special petroleum exploration permit—2 or more applications

Scope

- (1) This section applies if:
 - (a) the Joint Authority publishes a notice under subsection 115(1) inviting applications for the grant of a petroleum exploration permit over a block or blocks; and
-

Section 117

- (b) at the end of the period specified in the notice, 2 or more applications have been made under section 115 in relation to the block or blocks.

Rejection of applications

- (2) The Joint Authority may reject any or all of the applications.

Unrejected applications

- (3) If the Joint Authority does not reject all of the applications, the table has effect:

Unrejected applications		
Item	If...	the Joint Authority may give a written notice (called an <i>offer document</i>) to...
1	only one application remains unrejected	the applicant.
2	(a) 2 or more applications remain unrejected; and (b) the amounts specified in the applications under paragraph 115(4)(b) are equal	one of those applicants.
3	(a) 2 or more applications remain unrejected; and (b) the amounts specified in the applications under paragraph 115(4)(b) are not equal; and (c) the amount specified in one of the applications is higher than the amount or amounts specified in the remaining application or applications	whichever of those applicants specified the highest amount.

Chapter 2 Regulation of activities relating to petroleum

Part 2.2 Petroleum exploration permits

Division 4 Obtaining a special petroleum exploration permit over a surrendered block or certain other blocks

Section 117

Unrejected applications		
Item	If...	the Joint Authority may give a written notice (called an <i>offer document</i>) to...
4	(a) 3 or more applications remain unrejected; and (b) 2 or more of the amounts specified in the applications under paragraph 115(4)(b) are: (i) equal; and (ii) higher than the amount or amounts specified in the remaining application or applications	one of the applicants who specified the equal highest amount.
(4) An offer document given to an applicant must tell the applicant that the Joint Authority is prepared to grant the applicant a petroleum exploration permit over the block or blocks.		
Note 1: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).		
Note 2: If an applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document—see subsection 258(3).		
(5) If:		
(a) an applicant is given an offer document under this section; and		
(b) the application lapses as provided by section 260 or 261; and		
(c) there are one or more remaining unrejected applications;		
subsections (3) and (4) of this section apply in relation to the remaining unrejected applications.		

Unsuccessful applications

- (6) If the Joint Authority does not give an offer document to an applicant, the Joint Authority must, by written notice given to the applicant, inform the applicant that the application was unsuccessful.

118 Grant of special petroleum exploration permit

- (1) If:
- (a) an applicant has been given an offer document under section 116 or 117; and
 - (b) the applicant has made a request under section 260 in relation to the offer document within the period applicable under that section; and
 - (c) the applicant has paid the specified balance within the period applicable under section 261;
- the Joint Authority must grant the applicant a petroleum exploration permit over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 260 within the period applicable under that section, the application lapses at the end of that period—see subsection 260(4).

Note 2: If the applicant has not paid the specified balance within the period applicable under section 261, the application lapses at the end of that period—see subsection 261(2).

- (2) For the purposes of this section, the *specified balance* is the balance specified in the offer document as the balance of the amount that the applicant must pay for the grant of the petroleum exploration permit.

Division 4A—Obtaining a boundary-change petroleum exploration permit

118A Grant of boundary-change petroleum exploration permit

Scope

- (1) This section applies if:
 - (a) a State/Territory petroleum exploration title has been granted by a State or the Northern Territory on the basis that an area (the **relevant area**) is within the coastal waters of the State or Territory; and
 - (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceases to be within the coastal waters of the State or Territory; and
 - (ii) falls within the offshore area of the State or Territory; and
 - (c) either:
 - (i) the conditions set out in subsection (2) are satisfied; or
 - (ii) the conditions set out in subsection (3) are satisfied.
- (2) The conditions mentioned in subparagraph (1)(c)(i) are:
 - (a) one or more, but not all, of the section 33 blocks that were covered by the State/Territory petroleum exploration title immediately before the change are in the relevant area; and
 - (b) the title subsequently ceases to be in force at the same time (the **relevant time**):
 - (i) as to all of the section 33 blocks that were covered by the title immediately before the change and that are in the coastal waters of the State or Territory; and
 - (ii) otherwise than as the result of the cancellation or surrender of the title.
- (3) The conditions mentioned in subparagraph (1)(c)(ii) are:

- (a) all of the section 33 blocks that were covered by the State/Territory petroleum exploration title immediately before the change are in the relevant area; and
- (b) the title subsequently ceases to be in force at the same time (the **relevant time**):
 - (i) as to all of the section 33 blocks that were covered by the title immediately before the change; and
 - (ii) otherwise than as the result of the cancellation or surrender of the title.

Grant of permit where titleholder entitled to apply for renewal of the State/Territory petroleum exploration title

- (4) If:
 - (a) assuming that:
 - (i) the change to the boundary of the coastal waters of the State or Territory had not occurred; and
 - (ii) the relevant area had remained in the coastal waters of the State or Territory;the holder of the State/Territory petroleum exploration title would have been entitled to apply under a State PSLA or Territory PSLA for the renewal of the title in relation to all of the section 33 blocks that are:
 - (iii) covered by the title; and
 - (iv) in the relevant area; and
 - (b) there are one or more section 33 blocks (the **relevant section 33 blocks**) that:
 - (i) correspond to the section 33 blocks covered by paragraph (a); and
 - (ii) are in the offshore area of the State or Territory; and
 - (iii) are not the subject of a variation under section 267A;the Joint Authority is taken:
 - (c) to have granted the holder a petroleum exploration permit over those relevant section 33 blocks; and
 - (d) to have done so immediately after the relevant time mentioned in whichever of subsection (2) or (3) is applicable.

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Part 2.2 Petroleum exploration permits

Division 4A Obtaining a boundary-change petroleum exploration permit

Section 118A

Note: For the duration of the petroleum exploration permit, see item 3 of the table in subsection 102(1).

Grant of permit where titleholder not entitled to apply for renewal of the State/Territory petroleum exploration title

(5) If:

(a) assuming that:

- (i) the change to the boundary of the coastal waters of the State or Territory had not occurred; and
- (ii) the relevant area had remained in the coastal waters of the State or Territory;

the holder of the State/Territory petroleum exploration title would not have been entitled to apply under a State PSLA or Territory PSLA for the renewal of the title in relation to all of the section 33 blocks that are:

- (iii) covered by the title; and
- (iv) in the relevant area; and

(b) there are one or more section 33 blocks (the **relevant section 33 blocks**) that:

- (i) correspond to the section 33 blocks that were covered by the State/Territory petroleum exploration title immediately before the change; and
- (ii) are in the offshore area of the State or Territory; and
- (iii) are not the subject of a variation under section 267A;

the Joint Authority is taken:

- (c) to have granted the holder a petroleum exploration permit over those relevant section 33 blocks; and
- (d) to have done so immediately after the relevant time mentioned in whichever of subsection (2) or (3) is applicable.

Note: For the duration of the petroleum exploration permit, see item 4 of the table in subsection 102(1).

Certain provisions to be disregarded

(6) For the purposes of subsections (4) and (5), disregard any of the following provisions of a State PSLA or Territory PSLA:

- (a) standard halving rules;
- (b) modified halving rules;
- (c) a provision of a kind specified in the regulations.

Deemed section 33 block

- (7) If, after the change to the boundary of the coastal waters of the State or Territory:
- (a) a part of a section 33 block that was covered by the State/Territory petroleum exploration title immediately before the change is in the coastal waters of the State or Territory; and
 - (b) the remaining part of the section 33 block is in the offshore area of the State or Territory;
- then, for the purposes of this section (other than this subsection), each of those parts is taken to constitute, and to have always constituted, a section 33 block.
- (8) An assumption in paragraph (4)(a) or (5)(a) does not affect subsection (7).

Definitions

- (9) In this section:

section 33 block means:

- (a) a block constituted as provided by section 33; or
- (b) if a graticular section is wholly within the area that was covered by the State/Territory petroleum exploration title—the graticular section; or
- (c) if a part only of a graticular section is within the area that was covered by the State/Territory petroleum exploration title—that part of the graticular section.

Note: See also subsection (7).

State PSLA has the same meaning as in Part 6.9.

Territory PSLA has the same meaning as in Part 6.9.

Division 5—Renewal of petroleum exploration permits

119 Application for renewal of petroleum exploration permit

- (1) A petroleum exploration permittee may apply to the Titles Administrator for the renewal by the Joint Authority of the permit in relation to such of the blocks the subject of the permit as are specified in the application.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

- (2) Subsection (1) has effect subject to the following provisions:
- (a) section 120 (non-renewable cash-bid petroleum exploration permits);
 - (b) section 121 (limit on renewal of cash-bid petroleum exploration permits);
 - (c) section 122 (limits on renewal of work-bid petroleum exploration permits and special petroleum exploration permits);
 - (ca) section 122A (limits on renewal of boundary-change petroleum exploration permits);
 - (d) section 123 (standard halving rules);
 - (e) section 124 (modified halving rules).
- (3) An application to renew a petroleum exploration permit must be made at least 90 days before the expiry date of the permit.
- (4) Despite subsection (3), the Titles Administrator may accept an application to renew a petroleum exploration permit if the application is made:
- (a) later than 90 days before the expiry date of the permit; and
 - (b) before the expiry date of the permit.

Extension of duration of petroleum exploration permit pending decision on application

- (5) If:
- (a) a petroleum exploration permittee makes an application to renew the permit; and
 - (b) the permit would, apart from this subsection, expire:
 - (i) before the Joint Authority grants, or refuses to grant, the renewal of the permit; or
 - (ii) before the application lapses as provided by section 260;
- the permit continues in force:
- (c) until the Joint Authority grants, or refuses to grant, the renewal of the permit; or
 - (d) until the application so lapses;
- whichever happens first.
- (6) Subsection (5) has effect subject to this Chapter but despite section 102.

Note: See the notes at the end of section 102.

120 Non-renewable cash-bid petroleum exploration permits

A petroleum exploration permittee must not apply to renew a cash-bid petroleum exploration permit if the notice under subsection 110(1) relating to the grant of the permit stated that the permit was not able to be renewed.

121 Limit on renewal of cash-bid petroleum exploration permits

A petroleum exploration permittee must not apply to renew a cash-bid petroleum exploration permit if the Joint Authority has previously granted a renewal of the permit.

Section 122

**122 Limits on renewal of work-bid petroleum exploration permits
and special petroleum exploration permits**

Scope

- (1) This section applies to an application for renewal of a work-bid petroleum exploration permit or a special petroleum exploration permit.

Limits

- (2) The table has effect:

Limits on renewal				
Item	In this case...	Do the standard halving rules in section 12 3 apply?	Do the modified halving rules in section 12 4 apply?	Can the permit be renewed more than twice?
1	an application for renewal of a work-bid petroleum exploration permit, where the original petroleum exploration permit was granted: (a) on or after 1 January 2003; and (b) as a result of an application made in response to an invitation in a notice that was published under subsection 104(1) on or after 1 January 2003	Yes	No	No

Section 122

Limits on renewal

Item	In this case...	Do the standard halving rules in section 123 apply?	Do the modified halving rules in section 124 apply?	Can the permit be renewed more than twice?
2	an application for renewal of a special petroleum exploration permit, where the original petroleum exploration permit was granted on or after 1 January 2003	Yes	No	No
3	the first application after 6 March 2000 to renew a petroleum exploration permit, where the original petroleum exploration permit was granted before 7 March 2000	No	Yes	Yes, so long as the modified halving rules do not prevent the renewal
4	any other application for renewal of a petroleum exploration permit	Yes	No	Yes, so long as the standard halving rules do not prevent the renewal

Note: Under clause 23 of Schedule 6 to this Act, the reference in item 1 of the table to subsection 104(1) of this Act includes a reference to subsection 20(1) of the *Petroleum (Submerged Lands) Act 1967*.

(3) Despite subsection (2):

(a) the standard halving rules in section 123; and

(b) the modified halving rules in section 124;

do not apply to an application for renewal of a petroleum exploration permit if:

Section 122A

- (c) the permit was granted on the basis that an area (the ***relevant area***) was within the offshore area of a State or the Northern Territory; and
 - (d) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceased to be within the offshore area of the State or Territory; and
 - (ii) fell within the coastal waters of the State or Territory; and
 - (e) immediately before the change, the relevant area was a part of the permit area.
- (4) For the purposes of subsection (3):
- (a) disregard section 283; and
 - (b) it is immaterial whether the change occurred before, at or after the commencement of this subsection.

122A Limits on renewal of boundary-change petroleum exploration permits

- (1) If:
- (a) the grant of a boundary-change petroleum exploration permit under subsection 118A(4) is consequential on a State/Territory petroleum exploration title ceasing to be in force as mentioned in paragraph 118A(2)(b) or (3)(b); and
 - (b) the State/Territory petroleum exploration title was granted otherwise than by way of renewal;
- then:
- (c) the standard halving rules in section 123 apply to an application for the renewal of the permit mentioned in paragraph (a); and
 - (d) an application must not be made for the renewal of the permit if the Joint Authority has previously granted a renewal of the permit mentioned in paragraph (a).
- (2) If:

- (a) the grant of a boundary-change petroleum exploration permit under subsection 118A(4) is consequential on a State/Territory petroleum exploration title ceasing to be in force as mentioned in paragraph 118A(2)(b) or (3)(b); and
 - (b) the State/Territory petroleum exploration title was granted by way of renewal;
- an application must not be made for the renewal of the permit mentioned in paragraph (a).
- (3) If a boundary-change petroleum exploration permit was granted under subsection 118A(5), an application must not be made for the renewal of the permit.

123 Standard halving rules

- (1) This section sets out the standard halving rules.

Scope

- (2) This section applies to:
 - (a) an application for renewal of a cash-bid petroleum exploration permit that is capable of being renewed; and
 - (b) an application for renewal that is covered by item 1, 2 or 4 of the table in subsection 122(2); and
 - (c) an application for renewal that is covered by paragraph 122A(1)(c).
- (2A) Subsection (2) has effect subject to subsection 122(3).

Basic rule

- (3) The maximum number of blocks in relation to which an application for a renewal of a permit may be made is worked out using the table:

Section 123

Maximum number of blocks		
Item	In this case...	the maximum number of blocks is...
1	the number of non-location blocks in relation to which the permit is in force is a number (the <i>divisible number</i>) that is divisible by 2 without remainder	one-half of the divisible number.
2	the number of non-location blocks in relation to which the permit is in force is a number that is one less or one more than a number (the <i>divisible number</i>) that is divisible by 4 without remainder	one-half of the divisible number.

- (4) Subsection (3) has effect subject to subsections (5), (6), (7), (8) and (9).

Additional rules

- (5) An application to renew a permit may include, in addition to the blocks worked out under subsection (3):
- (a) a block that is, or is included in, a location and in relation to which the permit is in force; or
 - (b) 2 or more blocks covered by paragraph (a).
- (6) An application cannot be made to renew a permit in relation to only one block.
- (7) If a permit is in force in relation to 5 or 6 blocks, an application may be made to renew the permit in relation to 4 of those blocks.
- (8) If a permit is in force in relation to 2, 3 or 4 blocks, an application may be made to renew the permit in relation to all those blocks.
- (9) If a permit is renewed as a result of an application referred to in subsection (8), an application may not be made for the further renewal of the permit.

Definition

- (10) In this section:

non-location block means a block that is neither a location nor included in a location.

124 Modified halving rules

- (1) This section sets out the modified halving rules.

Scope

- (2) This section applies to an application for renewal that is covered by item 3 of the table in subsection 122(2).
- (2A) Subsection (2) has effect subject to subsection 122(3).

Modification of standard halving rules

- (3) The modified halving rules are the rules set out in subsections 123(3), (4), (5), (7), (8), (9) and (10), modified as follows:
- (a) if the maximum number of blocks in relation to which an application for renewal of a permit may be made in accordance with those rules is less than 16, the Joint Authority may, by written notice given to the permittee:
 - (i) tell the permittee that the number of blocks in relation to which the application may be made is such number, not more than 16, as is specified in the notice; and
 - (ii) give such directions as the Joint Authority thinks fit about the blocks in relation to which the application may be made;
 - (b) if a permit is in force in relation to only one block, an application may be made for renewal of the permit in relation to that block.

Section 125

125 Renewal of petroleum exploration permit—offer document

Scope

- (1) This section applies if an application to renew a petroleum exploration permit has been made under section 119.

Offer document—compliance with conditions etc.

- (2) If each of the following has been complied with:
- (a) the conditions to which the petroleum exploration permit is, or has from time to time been, subject;
 - (b) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1;
 - (c) the regulations;
- the Joint Authority must give the applicant a written notice (called an **offer document**) telling the applicant that the Joint Authority is prepared to renew the permit.

Note: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Offer document—non-compliance with conditions etc.

- (3) If:
- (a) any of:
 - (i) the conditions to which the petroleum exploration permit is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1; or
 - (iii) the provisions of the regulations;have not been complied with; and
 - (b) the Joint Authority is satisfied that there are sufficient grounds to warrant the granting of the renewal of the permit;
- the Joint Authority may give the applicant a written notice (called an **offer document**) telling the applicant that the Joint Authority is prepared to renew the permit.

Section 126

Note: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

126 Refusal to renew petroleum exploration permit

Scope

- (1) This section applies if an application to renew a petroleum exploration permit has been made under section 119.

Refusal on grounds of non-compliance with conditions

- (2) If:
- (a) any of:
 - (i) the conditions to which the petroleum exploration permit is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1; or
 - (iii) the provisions of the regulations; have not been complied with; and
 - (b) the Joint Authority is not satisfied that there are sufficient grounds to warrant the granting of the renewal of the permit;
- the Joint Authority must, by written notice given to the applicant, refuse to renew the permit.

Note: Consultation procedures apply—see section 262.

127 Renewal of petroleum exploration permit

If:

- (a) an applicant has been given an offer document under section 125; and
 - (b) the applicant has made a request under section 260 in relation to the offer document within the period applicable under that section;
- the Joint Authority must renew the petroleum exploration permit.

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Part 2.2 Petroleum exploration permits

Division 5 Renewal of petroleum exploration permits

Section 127

Note: If the applicant does not make a request under section 260 within the period applicable under that section, the application lapses at the end of that period—see subsection 260(4).

Division 6—Locations

128 Simplified outline

The following is a simplified outline of this Division:

- If a petroleum pool is identified in a petroleum exploration permit area, the Joint Authority may declare a location over the blocks to which the petroleum pool extends.
- Generally, the blocks must be nominated for declaration by the permittee.
- The Joint Authority may require the permittee to nominate the blocks.
- The declaration may be revoked or varied in certain circumstances.

129 Nomination of blocks as a location

Single petroleum pool

(1) If:

- (a) a petroleum pool is identified in a petroleum exploration permit area; and
- (b) the permittee or another person has, whether in or outside the permit area, recovered petroleum from the pool;

the permittee may nominate, for declaration as a location:

- (c) if the pool extends to only one block in the permit area—that block; or
- (d) if the pool extends to 2 or more blocks in the permit area—those blocks.

Section 129

2 or more petroleum pools

- (2) If:
- (a) 2 or more petroleum pools are identified in a petroleum exploration permit area; and
 - (b) the permittee or another person has, whether in or outside the permit area, recovered petroleum from each of those pools;
- the permittee may, instead of making a nomination under subsection (1) in relation to each pool, nominate for declaration as a single location:
- (c) all of the blocks to which the pools extend; or
 - (d) all of the blocks to which any 2 or more of the pools extend.
- (3) To be effective, a nomination under subsection (2) that relates to 2 or more pools must be such that, in the case of each of the pools, at least one of the blocks to which the pool extends immediately adjoins a block to which the other, or another, of those pools extends.
- (4) For the purposes of subsection (3), a block immediately adjoins another block if the graticular section that constitutes or includes that block and the graticular section that constitutes or includes that other block:
- (a) have a side in common; or
 - (b) are joined together at one point only.

Form of nomination

- (5) A nomination under this section must be:
- (a) in writing; and
 - (b) given to the Joint Authority.

130 Requirement to nominate blocks as a location

Requirement to nominate

- (1) If:
- (a) the Joint Authority is of the opinion that a petroleum exploration permittee is entitled to nominate a block or blocks under subsection 129(1) or (2); and
 - (b) the permittee has not done so;
- the Joint Authority may, by written notice given to the permittee, require the permittee to nominate the block or blocks within:
- (c) 90 days after the day on which the notice was given; or
 - (d) such longer period, not more than 180 days after the day on which the notice was given, as the Joint Authority allows.
- (2) The Joint Authority may allow a longer period under paragraph (1)(d) only on written application made by the permittee within the period of 90 days mentioned in paragraph (1)(c).

Consequences of non-compliance

- (3) If the permittee does not comply with the requirement, the Joint Authority may, by written notice given to the permittee, nominate the block or blocks for declaration as a location.

131 Declaration of location

Nomination by permittee

- (1) If:
- (a) a petroleum exploration permittee has made a nomination under section 129; and
 - (b) the Joint Authority is of the opinion that the permittee is entitled under that section to nominate the block or blocks specified in the nomination;
- the Joint Authority must, by writing, declare the nominated block or blocks to be a location.

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- (2) A copy of a declaration under subsection (1) must be published in the *Gazette*.
- (3) The Joint Authority may form an opinion for the purposes of this section if the Joint Authority considers that there are reasonable grounds for doing so having regard to any information the Joint Authority has, whether given by the permittee or otherwise.

Nomination by Joint Authority

- (4) If the Joint Authority has made a nomination under section 130, the Joint Authority must, by notice published in the *Gazette*, declare the nominated block or blocks to be a location.

Deemed declaration—area ceases to be within the coastal waters of a State or Territory

- (5) If:
 - (a) a boundary-change petroleum exploration permit is granted over one or more section 33 blocks; and
 - (b) immediately before the grant, those section 33 blocks were, or were part of, a location within the meaning of a State PSLA or Territory PSLA; and
 - (c) apart from this subsection, those section 33 blocks are not, and are not part of, a location within the meaning of this Act;the Joint Authority is taken:
 - (d) to have declared those section 33 blocks to be a location; and
 - (e) to have done so immediately after the grant.
- (6) If:
 - (a) a petroleum exploration permit is varied under section 267A so as to include in the permit area one or more section 33 blocks; and
 - (b) immediately before the variation, those section 33 blocks were, or were part of, a location within the meaning of a State PSLA or Territory PSLA; and
 - (c) apart from this subsection, those section 33 blocks are not, and are not part of, a location within the meaning of this Act;

the Joint Authority is taken:

- (d) to have declared those section 33 blocks to be a location; and
- (e) to have done so immediately after the variation.

Definitions

(7) In this section:

section 33 block means:

- (a) a block constituted as provided by section 33; or
- (b) if a graticular section is wholly within the area that was covered by the State/Territory petroleum exploration title—the graticular section; or
- (c) if a part only of a graticular section is within the area that was covered by the State/Territory petroleum exploration title—that part of the graticular section.

State PSLA has the same meaning as in Part 6.9.

Territory PSLA has the same meaning as in Part 6.9.

132 Revocation of declaration

Revocation at the request of a petroleum exploration permittee

(1) If:

- (a) a petroleum exploration permit is in force over a block that constitutes, or the blocks that constitute, a location; and
- (b) the permittee requests the Joint Authority to revoke the declaration of the location;

the Joint Authority may, by writing, revoke the declaration of the location.

(2) A copy of a revocation under subsection (1) is to be published in the *Gazette*.

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Revocation where block is no longer the subject of a petroleum exploration permit or a petroleum retention lease

(3) If:

- (a) a block or blocks constituting or forming part of a location was or were the subject of a petroleum exploration permit or a petroleum retention lease; and
- (b) that block is, or those blocks are, no longer the subject of the permit or lease;

the Joint Authority must, by notice published in the *Gazette*:

- (c) in a case where that block constitutes, or those blocks constitute, that location—revoke the declaration of that location; or
- (d) in a case where that block forms, or those blocks form, part of that location—revoke the declaration of that location to the extent to which the declaration relates to that block or those blocks.

(4) Subsection (3) does not apply in relation to a block if:

- (a) a person has applied for the grant of a petroleum production licence over the block, and the Joint Authority has not made a decision in relation to the application; or
- (b) a petroleum production licence is in force in relation to the block.

(5) Subsection (3) does not apply in relation to a block if:

- (a) a person has applied for the grant of a petroleum retention lease over the block, and the Joint Authority has not made a decision in relation to the application; or
- (b) a petroleum retention lease is in force in relation to the block.

Revocation if petroleum retention lease refused

(7) If:

- (a) the Joint Authority refuses to grant a petroleum retention lease in relation to a block or blocks constituting a location; and

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(b) the reason, or one of the reasons, for the refusal is that:

- (i) the Joint Authority is not satisfied as to the matter referred to in subparagraph 142(b)(i); or
- (ii) the Joint Authority is not satisfied as to the matter referred to in subparagraph 142(b)(iii);

the Joint Authority must, by notice published in the *Gazette*, revoke the declaration of that location.

Note: For the grounds for granting a petroleum retention lease, see section 142.

(7A) If:

(a) the Joint Authority refuses to grant a petroleum retention lease in relation to a block or blocks forming part of a location; and

(b) the reason, or one of the reasons, for the refusal is that:

- (i) the Joint Authority is not satisfied as to the matter referred to in subparagraph 142(b)(i); or
- (ii) the Joint Authority is not satisfied as to the matter referred to in subparagraph 142(b)(iii);

the Joint Authority must, by notice published in the *Gazette*, revoke the declaration of the location to the extent to which the declaration relates to:

- (c) if subparagraph (b)(i) of this subsection applies—the block or blocks in relation to which the Joint Authority is not satisfied as to the matter referred to in subparagraph 142(b)(i); or
- (d) if subparagraph (b)(ii) of this subsection applies—the block or blocks in relation to which the Joint Authority is not satisfied as to the matter referred to in subparagraph 142(b)(iii).

Note: For the grounds for granting a petroleum retention lease, see section 142.

Revocation if petroleum production licence granted

(8) If:

(a) an application for the grant of a petroleum production licence has been made under:

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- (i) section 168 or 170; or
- (ii) clause 2 or 4 of Schedule 4; and
- (b) the application specifies 2 or more blocks; and
- (c) a petroleum production licence is granted in respect of:
 - (i) only one of the blocks; or
 - (ii) some, but not all, of the blocks; and
- (d) the remaining block or blocks form part of a location; and
- (e) the Joint Authority refuses to grant a petroleum production licence in relation to the remaining block or blocks; and
- (f) the reason for the refusal is that the Joint Authority is not satisfied that the area comprised in any one or more of the remaining block or blocks contains petroleum;

the Joint Authority must, by notice published in the *Gazette*, revoke the declaration of the location to the extent to which the declaration relates to the block or blocks covered by paragraph (f).

Note 1: Section 168 and clause 2 of Schedule 4 deal with applications by permittees.

Note 2: Section 170 and clause 4 of Schedule 4 deal with applications by lessees.

Revocation if petroleum production licence refused

- (9) If:
- (a) an application for the grant of a petroleum production licence has been made under:
 - (i) section 168 or 170; or
 - (ii) clause 2 or 4 of Schedule 4; and
 - (b) the application specifies a block or blocks; and
 - (c) the Joint Authority refuses to grant a petroleum production licence in relation to the block or blocks; and
 - (d) the reason for the refusal is that the Joint Authority is not satisfied that the area comprised in the block or blocks contains petroleum; and
 - (e) the block or blocks constitute or form part of a location;
- the Joint Authority must, by notice published in the *Gazette*:

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- (f) in a case where the block constitutes, or the blocks constitute, the location—revoke the declaration of the location; or
- (g) in a case where the block forms, or the blocks form, part of the location—revoke the declaration of the location to the extent to which the declaration relates to the block or blocks.

133 Variation of declaration

- (1) If a petroleum exploration permit is in force over a block that constitutes, or blocks that constitute, a location, the Joint Authority may, by writing, vary the declaration of the location:
 - (a) by adding to the location a block:
 - (i) that is in the permit area; and
 - (ii) to which, in the opinion of the Joint Authority, a petroleum pool within the location extends; or
 - (b) by deleting from the location a block to which, in the opinion of the Joint Authority, no petroleum pool within the location extends.
- (2) A copy of a variation under subsection (1) is to be published in the *Gazette*.
- (3) The Joint Authority may vary a declaration only if:
 - (a) the permittee requests the variation; or
 - (b) all of the following conditions are satisfied:
 - (i) the Joint Authority gives the permittee written notice of the proposed variation, identifying the block to be added to, or deleted from, the location;
 - (ii) the notice invites the permittee to give the Joint Authority a submission about the proposed variation;
 - (iii) the notice specifies a time limit for making the submission;
 - (iv) the Joint Authority has considered any submission made in accordance with the notice.
- (4) The time limit must be at least 30 days after the notice is given.

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- (5) The Joint Authority may form an opinion for the purposes of this section if the Joint Authority considers that there are reasonable grounds for doing so having regard to any information the Joint Authority has, whether given by the permittee or otherwise.

Part 2.3—Petroleum retention leases

Division 1—General provisions

134 Simplified outline

The following is a simplified outline of this Part:

- This Part provides for the grant of petroleum retention leases over blocks in an offshore area.
- A petroleum retention lease authorises the lessee to explore for petroleum in the lease area.
- A petroleum retention lease over a block may be granted to:
 - (a) the holder of a petroleum exploration permit over the block; or
 - (b) the holder of a life-of-field petroleum production licence over the block.
- The criteria for granting a petroleum retention lease over a block are:
 - (a) the block contains petroleum; and
 - (b) the recovery of petroleum is not currently commercially viable, but is likely to become commercially viable within 15 years.
- A petroleum retention lease may be obtained as a result of a change to the boundary of the coastal waters of a State or Territory.

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135 Rights conferred by petroleum retention lease

- (1) A petroleum retention lease authorises the lessee, in accordance with the conditions (if any) to which the lease is subject:
 - (a) to explore for petroleum in the lease area; and
 - (b) to recover petroleum on an appraisal basis in the lease area; and
 - (c) to carry on such operations, and execute such works, in the lease area as are necessary for those purposes.
- (2) Express references in this Act to the injection or storage of a substance do not imply that subsection (1) does not operate so as to authorise the lessee:
 - (a) to carry on operations to inject a substance into the seabed or subsoil of an offshore area; or
 - (b) to carry on operations to store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area.
- (3) The regulations may provide that a petroleum retention lease authorises the lessee, in accordance with the conditions (if any) to which the lease is subject:
 - (a) to explore in the lease area for a potential greenhouse gas storage formation; and
 - (b) to explore in the lease area for a potential greenhouse gas injection site; and
 - (c) to carry on such operations, and execute such works, in the lease area as are necessary for those purposes.
- (4) The rights conferred on the lessee by or under subsection (1) or (3) are subject to this Act and the regulations.

136 Conditions of petroleum retention leases

- (1) The Joint Authority may grant a petroleum retention lease subject to whatever conditions the Joint Authority thinks appropriate.
- (2) The conditions (if any) must be specified in the lease.

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- (2A) Subsection (1) does not apply to a petroleum retention lease granted under section 152A.

Lease to which Royalty Act applies

- (3) A petroleum retention lease to which the Royalty Act applies is subject to a condition that the lessee will comply with the provisions of the Royalty Act.

Note: The Royalty Act applies to a small number of North West Shelf titles.

- (4) Despite subsection (2), the condition mentioned in subsection (3) does not need to be specified in the lease.

Re-evaluation of commercial viability

- (5) A petroleum retention lease is subject to a condition that if the Titles Administrator gives the lessee a written notice requesting the lessee to:

- (a) re-evaluate the commercial viability of petroleum production in the lease area (otherwise than by the drilling of wells); and
- (b) inform the Titles Administrator in writing of the results of the re-evaluation;

the lessee must comply with the request within:

- (c) the period of 90 days after the notice is given; or
 - (d) such longer period as the Titles Administrator allows.
- (6) The Titles Administrator may allow a longer period under paragraph (5)(d) only on written application made by the lessee within the period of 90 days mentioned in paragraph (5)(c).
- (7) If a petroleum retention lessee has complied with a subsection (5) request during the term of the lease, the Titles Administrator must not give the lessee a further subsection (5) request during that term.
- (8) Despite subsection (2), the condition mentioned in subsection (5) does not need to be specified in the lease.

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Work to be carried out by lessee

- (9) Any or all of the following conditions may be specified in a petroleum retention lease:
- (a) conditions requiring the lessee to carry out work in, or in relation to, the lease area;
 - (b) conditions about the amounts that the lessee must spend in carrying out such work;
 - (c) conditions requiring the lessee to comply with directions that:
 - (i) relate to the matters covered by paragraphs (a) and (b);
 - (ii) are given in accordance with the lease.
- (10) Subsection (9) does not limit subsection (1), (13) or (20).

Declared petroleum retention leases—approval of key petroleum operations

- (11) A declared petroleum retention lease is subject to the condition that the lessee will not carry on key petroleum operations under the lease unless the responsible Commonwealth Minister has approved the operations under section 137.
- (12) Despite subsection (2), the condition mentioned in subsection (11) does not need to be specified in the lease.
- (13) If, under section 137, the responsible Commonwealth Minister approves the carrying on of one or more key petroleum operations under a declared petroleum retention lease, the responsible Commonwealth Minister may, by written notice given to the lessee, vary the lease by imposing one or more conditions to which the lease is subject.
- (14) A variation of a declared petroleum retention lease under subsection (13) takes effect on the day on which notice of the variation is given to the lessee.
- (15) A condition imposed under subsection (13) may require the lessee to ensure that:
- (a) all wells; or

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- (b) one or more specified wells;
made in the lease area by any person engaged or concerned in operations authorised by the lease are made in a manner, and to a standard, that will facilitate the plugging or closing off of the wells in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.
- (16) Subsection (15) does not limit:
- (a) subsection (13); or
 - (b) Part 6.2; or
 - (c) Part 6.4.
- (17) If:
- (a) a declared petroleum retention lease is subject to a condition;
and
 - (b) the condition was imposed under subsection (13);
- the responsible Commonwealth Minister may, by written notice given to the lessee, vary or revoke the condition.
- (18) A variation of a declared petroleum retention lease under subsection (17) takes effect on the day on which notice of the variation is given to the lessee.
- (19) Subsection (18) does not limit section 264.
- Petroleum retention leases obtained as a result of a change to the boundary of the coastal waters of a State or Territory*
- (20) The Joint Authority may, by written notice given to the lessee of a petroleum retention lease granted under section 152A, vary the lease by imposing one or more conditions to which the lease is subject.
- (21) A notice under subsection (20) must be given within 14 days after the grant of the lease.
- (22) A variation under subsection (20) takes effect on the day on which notice of the variation is given to the lessee.
-

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137 Declared petroleum retention lease—approval by responsible Commonwealth Minister of key petroleum operations

- (1) The registered holder of a declared petroleum retention lease may apply to the responsible Commonwealth Minister for approval to carry on one or more key petroleum operations under the lease.
- (2) If an application for approval is made under subsection (1), the responsible Commonwealth Minister may:
 - (a) give the approval; or
 - (b) by written notice given to the applicant, refuse to give the approval.

Responsible Commonwealth Minister must have regard to certain matters

- (3) In deciding whether to give the approval, the responsible Commonwealth Minister must comply with subsections (4), (5), (6) and (7).
- (4) The responsible Commonwealth Minister must have regard to the impact (if any) that any of those key petroleum operations could have on:
 - (a) operations for the injection of a greenhouse gas substance; or
 - (b) operations for the storage of a greenhouse gas substance;that are being, or could be, carried on under:
 - (c) an existing greenhouse gas assessment permit; or
 - (d) an existing greenhouse gas holding lease; or
 - (e) an existing greenhouse gas injection licence; or
 - (f) if a greenhouse gas assessment permit or a greenhouse gas holding lease is in force over a block or blocks:
 - (i) a future greenhouse gas holding lease over the block or any of the blocks; or
 - (ii) a future greenhouse gas injection licence over the block or any of the blocks.

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- (5) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:
- (a) operations for the injection of a greenhouse gas substance; or
 - (b) operations for the storage of a greenhouse gas substance;
- that are being, or could be, carried on under:
- (c) an existing greenhouse gas assessment permit held by a person other than the applicant; or
 - (d) an existing greenhouse gas holding lease held by a person other than the applicant; or
 - (e) an existing greenhouse gas injection licence held by a person other than the applicant;
- the responsible Commonwealth Minister must have regard to:
- (f) whether the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence, as the case may be, has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied; and
 - (g) if so—the terms of that agreement.
- (6) If:
- (a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:
 - (i) operations for the injection of a greenhouse gas substance; or
 - (ii) operations for the storage of a greenhouse gas substance;that could be carried on under:
 - (iii) a future greenhouse gas holding lease over a block or blocks; or
 - (iv) a future greenhouse gas injection licence over a block or blocks; and

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- (b) a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is in force over the block or any of the blocks; and
 - (c) the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is held by a person other than the applicant;
- the responsible Commonwealth Minister must have regard to:
- (d) whether the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence covered by paragraph (b) has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied; and
 - (e) if so—the terms of that agreement.
- (7) The responsible Commonwealth Minister must have regard to the public interest.
- (8) Subsections (4), (5) and (6) do not limit subsection (7).
- (9) Subsections (4), (5), (6) and (7) do not limit the matters to which the responsible Commonwealth Minister may have regard.

Responsible Commonwealth Minister must not give approval in certain circumstances

- (10) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:
- (a) operations for the injection of a greenhouse gas substance; or
 - (b) operations for the storage of a greenhouse gas substance;
- that are being, or could be, carried on under an existing greenhouse gas injection licence, the responsible Commonwealth Minister must not give the approval unless the registered holder of the greenhouse gas injection licence has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied.

Section 138*No right to an approval*

- (11) To avoid doubt, section 135 does not imply that a petroleum retention lessee who applies for approval under subsection (1) of this section is entitled to be given the approval.

Suspension of rights

- (12) For the purposes of this section, disregard a suspension of rights under section 438.

138 Declared petroleum retention leases

(1) If:

- (a) a post-commencement petroleum retention lease is in force; and
 - (b) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the key petroleum operations that could be carried on under the lease will have a significant adverse impact on:
 - (i) operations for the injection of a greenhouse gas substance; or
 - (ii) operations for the storage of a greenhouse gas substance;
- that are being, or could be, carried on under:
- (iii) an existing greenhouse gas assessment permit; or
 - (iv) an existing greenhouse gas holding lease; or
 - (v) an existing greenhouse gas injection licence; or
 - (vi) a future greenhouse gas assessment permit; or
 - (vii) a future greenhouse gas holding lease; or
 - (viii) a future greenhouse gas injection licence;

the responsible Commonwealth Minister must, by written notice given to the petroleum retention lessee, determine that the petroleum retention lease is a ***declared petroleum retention lease*** for the purposes of this Act.

(2) If:

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- (a) a determination is in force under subsection (1) in relation to a post-commencement petroleum retention lease; and
- (b) the responsible Commonwealth Minister is not satisfied that there is a significant risk that any of the key petroleum operations that could be carried on under the lease will have a significant adverse impact on:
 - (i) operations for the injection of a greenhouse gas substance; or
 - (ii) operations for the storage of a greenhouse gas substance;that are being, or could be, carried on under:
 - (iii) an existing greenhouse gas assessment permit; or
 - (iv) an existing greenhouse gas holding lease; or
 - (v) an existing greenhouse gas injection licence; or
 - (vi) a future greenhouse gas assessment permit; or
 - (vii) a future greenhouse gas holding lease; or
 - (viii) a future greenhouse gas injection licence;the responsible Commonwealth Minister must, by written notice given to the petroleum retention lessee, revoke the determination.

139 Duration of petroleum retention lease

- (1) A petroleum retention lease (other than a lease granted under section 152A) remains in force for the period of 5 years beginning on:
 - (a) the day on which the lease is granted; or
 - (b) if a later day is specified in the lease as the day on which the lease is to come into force—that later day.
- (1A) A petroleum retention lease granted under section 152A remains in force for the period of 5 years beginning on the day on which the lease is granted.
- (2) Subsections (1) and (1A) have effect subject to this Chapter.

Note 1: For a special rule about the extension of the duration of a petroleum retention lease if the lessee applies for a petroleum production licence, see section 140.

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- Note 2: For a special rule about the extension of the duration of petroleum retention leases pending decisions on renewal applications, see subsection 153(5).
- Note 3: For special rules about the duration of a petroleum retention lease once a decision has been made refusing to renew the lease, see subsections 155(6) and (7).
- Note 4: For a special rule about the extension of the duration of a petroleum retention lease following a suspension decision, see sections 265 and 267.
- Note 4A: For a special rule about the extension of the duration of a petroleum retention lease pending a suspension decision, see section 265A.
- Note 5: For the revocation of a petroleum retention lease, see section 188 and clause 8 of Schedule 4.
- Note 6: For a special rule about when a petroleum retention lease ceases to be in force following the grant of a petroleum production licence, see section 176.
- Note 7: For the surrender of a petroleum retention lease, see Part 2.12.
- Note 8: For the cancellation of a petroleum retention lease, see Part 2.13.

140 Extension of petroleum retention lease if lessee applies for petroleum production licence

- (1) If:
- (a) a petroleum retention lease is in force over a block or blocks; and
 - (b) before the time when the lease would, apart from this subsection, expire, the lessee applies to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over the block or one or more of the blocks;
- the table has effect:

Chapter 2 Regulation of activities relating to petroleum

Part 2.3 Petroleum retention leases

Division 1 General provisions

Section 140

Extension of lease		
Item	In this case...	the lease continues in force over the block or blocks covered by the application until...
1	the Joint Authority gives the lessee an offer document relating to a petroleum production licence over the block or one or more of the blocks	the licence is granted, the lessee withdraws the application or the application lapses.
2	the Joint Authority decides not to grant a petroleum production licence to the lessee	notice of the decision is given to the lessee.

(2) Subsection (1) has effect subject to this Chapter but despite section 139.

Note: See the notes at the end of section 139.

Division 2—Obtaining a petroleum retention lease

Subdivision A—Application for petroleum retention lease by the holder of a petroleum exploration permit

141 Application for petroleum retention lease by the holder of a petroleum exploration permit

- (1) If a petroleum exploration permit is in force over a block that constitutes, or the blocks that constitute, a location, the permittee may, within the application period, apply to the Titles Administrator for the grant by the Joint Authority of a petroleum retention lease over that block or over one or more of those blocks.

Note: For *application period*, see subsection (3).

- (2) An application under this section must be accompanied by details of:
- (a) the applicant's proposals for work and expenditure in relation to the area comprised in the block or blocks specified in the application; and
 - (b) the current commercial viability of the recovery of petroleum from that area; and
 - (c) the possible future commercial viability of the recovery of petroleum from that area.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

Application period

- (3) The *application period* for an application under this section is:
- (a) the period of 2 years after the day (the *declaration day*) on which the block that constitutes the location concerned was,

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or the blocks that constitute the location concerned were, declared to be a location; or

- (b) such longer period, not more than 4 years after the declaration day, as the Titles Administrator allows.

- (4) The Titles Administrator may allow a longer period under paragraph (3)(b) only on written application made by the permittee within the period of 2 years mentioned in paragraph (3)(a).

Note: Section 188 deals with the consequences of a failure to make an application within the application period.

142 Grant of petroleum retention lease—offer document

If:

- (a) an application for a petroleum retention lease has been made under section 141; and
- (b) the Joint Authority is satisfied that:
- (i) the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum; and
 - (ii) the recovery of petroleum from that area is not, at the time of the application, commercially viable; and
 - (iii) the recovery of petroleum from that area is likely to become commercially viable within 15 years after that time;

the Joint Authority must give the applicant a written notice (called an **offer document**) telling the applicant that the Joint Authority is prepared to grant the applicant a petroleum retention lease over the block or blocks as to which the Joint Authority is satisfied as mentioned in paragraph (b).

Note 1: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document—see subsection 258(3).

143 Refusal to grant petroleum retention lease

- (1) This section applies if an application for a petroleum retention lease has been made under section 141.
- (2) If the Joint Authority is not satisfied as to one or more of the matters referred to in paragraph 142(b) in relation to the block, or all the blocks, specified in the application, the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum retention lease to the applicant.
- (3) If:
 - (a) the application specifies 2 or more blocks; and
 - (b) the Joint Authority is not satisfied as to one or more of the matters referred to in paragraph 142(b) in relation to:
 - (i) only one of the blocks; or
 - (ii) some, but not all, of the blocks;the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum retention lease to the applicant in relation to the block or blocks covered by paragraph (b) of this subsection.

143A Time limit for making decision about grant of petroleum retention lease

- (1) The Joint Authority must make a decision under section 142 or 143, in relation to an application under section 141, within the period that:
 - (a) begins when the application was made; and
 - (b) runs for:
 - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
 - (ii) if no such agreement is in force—the prescribed number of days.

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- (2) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (1) of this section is extended by one day for each day during the period:
 - (a) beginning on the day on which the notice is given; and
 - (b) ending when the applicant gives the Titles Administrator the information.
- (3) The Joint Authority is not required to comply with subsection (1) unless a number of days is prescribed for the purposes of subparagraph (1)(b)(ii).
- (4) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (1)(b)(i).
- (5) A failure to comply with subsection (1) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

144 Grant of petroleum retention lease

If:

- (a) an applicant has been given an offer document under section 142; and
- (b) the applicant has made a request under section 260 in relation to the offer document within the period applicable under that section;

the Joint Authority must grant the applicant a petroleum retention lease over the block or blocks specified in the offer document.

Note: If the applicant does not make a request under section 260 within the period applicable under that section, the application lapses at the end of that period—see subsection 260(4).

145 Petroleum exploration permit ceases to be in force when petroleum retention lease comes into force

When a petroleum retention lease under section 144 comes into force in relation to one or more blocks, a petroleum exploration permit ceases to be in force to the extent to which it relates to those blocks.

146 Petroleum exploration permit transferred—transferee to be treated as applicant

Scope

- (1) This section applies if a transfer of a petroleum exploration permit is registered under section 479:
 - (a) after an application has been made under section 141 for the grant of a petroleum retention lease over a block or blocks in relation to which the petroleum exploration permit is in force; and
 - (b) before any action has been taken by the Joint Authority under section 142 or 143 in relation to the application.

Transferee to be treated as applicant

- (2) After the transfer, sections 141 to 144 and Part 2.10 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Subdivision B—Application for petroleum retention lease by the holder of a life-of-field petroleum production licence

147 Application for petroleum retention lease by the holder of a life-of-field petroleum production licence

- (1) If:
 - (a) a life-of-field petroleum production licence is in force over a block or blocks; and

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(b) the following conditions are satisfied in relation to an area (the **unused area**) that consists of the block or any or all of the blocks:

- (i) petroleum has been found to exist in the unused area;
- (ii) no petroleum recovery operations are being carried on under the licence in relation to the unused area;

the licensee may, within the application period, apply to the Titles Administrator for the grant by the Joint Authority of a petroleum retention lease over the unused area.

Note: For **application period**, see subsection (3).

- (2) An application under this section must be accompanied by details of:
- (a) the applicant's proposals for work and expenditure in relation to the unused area; and
 - (b) the current commercial viability of the recovery of petroleum from the unused area; and
 - (c) the possible future commercial viability of the recovery of petroleum from the unused area.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

Application period

- (3) The **application period** for an application under this section by a petroleum production licensee is the period of 5 years that began on:
- (a) the day on which the licence was granted; or
 - (b) if any petroleum recovery operations have been carried on under the licence in relation to the unused area—the last day on which any such operations were so carried on.

148 Grant of petroleum retention lease—offer document

If:

- (a) an application for a petroleum retention lease has been made under section 147; and
- (b) the Joint Authority is satisfied that recovery of petroleum from the unused area:
 - (i) is not, at the time of the application, commercially viable; and
 - (ii) is likely to become commercially viable within the period of 15 years after that time;

the Joint Authority must give the applicant a written notice (called an **offer document**) telling the applicant that the Joint Authority is prepared to grant the applicant a petroleum retention lease over the unused area.

Note 1: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document—see subsection 258(3).

149 Refusal to grant petroleum retention lease

If:

- (a) an application for a petroleum retention lease has been made under section 147; and
- (b) the Joint Authority is not satisfied as to the matters referred to in paragraph 148(b) in relation to the unused area;

the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum retention lease to the applicant.

Note: Consultation procedures apply—see section 262.

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149A Time limit for making decision about grant of petroleum retention lease

- (1) The Joint Authority must make a decision under section 148 or 149, in relation to an application under section 147, within the period that:
 - (a) begins when the application was made; and
 - (b) runs for:
 - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
 - (ii) if no such agreement is in force—the prescribed number of days.
- (2) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (1) of this section is extended by one day for each day during the period:
 - (a) beginning on the day on which the notice is given; and
 - (b) ending when the applicant gives the Titles Administrator the information.
- (3) The Joint Authority is not required to comply with subsection (1) unless a number of days is prescribed for the purposes of subparagraph (1)(b)(ii).
- (4) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (1)(b)(i).
- (5) A failure to comply with subsection (1) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

150 Grant of petroleum retention lease

If:

- (a) an applicant has been given an offer document under section 148; and
- (b) the applicant has made a request under section 260 in relation to the offer document within the period applicable under that section;

the Joint Authority must grant the applicant a petroleum retention lease over the unused area.

Note: If the applicant does not make a request under section 260 within the period applicable under that section, the application lapses at the end of that period—see subsection 260(4).

151 Petroleum production licence ceases to be in force when petroleum retention lease comes into force

When a petroleum retention lease under section 150 comes into force in relation to one or more blocks, a petroleum production licence ceases to be in force to the extent to which it relates to those blocks.

152 Petroleum production licence transferred—transferee to be treated as applicant

Scope

- (1) This section applies if a transfer of a petroleum production licence is registered under section 479:
 - (a) after an application has been made under section 147 for the grant of a petroleum retention lease over a block or blocks in relation to which the petroleum production licence is in force; and
 - (b) before any action has been taken by the Joint Authority under section 148 or 149 in relation to the application.

Transferee to be treated as applicant

- (2) After the transfer, sections 147 to 150 and Part 2.10 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

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Subdivision C—Obtaining a petroleum retention lease as a result of a change to the boundary of the coastal waters of a State or Territory

152A Grant of petroleum retention lease as a result of a change to the boundary of the coastal waters of a State or Territory

Scope

- (1) This section applies if:
- (a) a State/Territory petroleum retention title has been granted by a State or the Northern Territory on the basis that an area (the **relevant area**) is within the coastal waters of the State or Territory; and
 - (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceases to be within the coastal waters of the State or Territory; and
 - (ii) falls within the offshore area of the State or Territory; and
 - (c) either:
 - (i) the conditions set out in subsection (2) are satisfied; or
 - (ii) the conditions set out in subsection (3) are satisfied; and
 - (d) there are one or more section 33 blocks (the **relevant section 33 blocks**) that:
 - (i) correspond to the section 33 blocks that were covered by the State/Territory petroleum retention title immediately before the change; and
 - (ii) are in the offshore area of the State or Territory; and
 - (iii) are not the subject of a variation under section 267A.
- (2) The conditions mentioned in subparagraph (1)(c)(i) are:
- (a) one or more, but not all, of the section 33 blocks that were covered by the State/Territory petroleum retention title immediately before the change are in the relevant area; and

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- (b) the title subsequently ceases to be in force at the same time (the *relevant time*):
 - (i) as to all of the section 33 blocks that were covered by the title immediately before the change and that are in the coastal waters of the State or Territory; and
 - (ii) otherwise than as the result of the cancellation or surrender of the title.
- (3) The conditions mentioned in subparagraph (1)(c)(ii) are:
 - (a) all of the section 33 blocks that were covered by the State/Territory petroleum retention title immediately before the change are in the relevant area; and
 - (b) the title subsequently ceases to be in force at the same time (the *relevant time*):
 - (i) as to all of the section 33 blocks that were covered by the title immediately before the change; and
 - (ii) otherwise than as the result of the cancellation or surrender of the title.

Grant of lease

- (4) The Joint Authority is taken:
 - (a) to have granted the holder of the State/Territory petroleum retention title a petroleum retention lease over the relevant section 33 blocks; and
 - (b) to have done so immediately after the relevant time mentioned in whichever of subsection (2) or (3) is applicable.

Note: For the duration of the petroleum retention lease, see subsection 139(1A).

Deemed section 33 block

- (5) If, after the change to the boundary of the coastal waters of the State or Territory:
 - (a) a part of a section 33 block that was covered by the State/Territory petroleum retention title immediately before

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the change is in the coastal waters of the State or Territory;
and

- (b) the remaining part of the section 33 block is in the offshore area of the State or Territory;

then, for the purposes of this section (other than this subsection), each of those parts is taken to constitute, and to have always constituted, a section 33 block.

Definitions

- (6) In this section:

section 33 block means:

- (a) a block constituted as provided by section 33; or
(b) if a graticular section is wholly within the area that was covered by the State/Territory petroleum retention title—the graticular section; or
(c) if a part only of a graticular section is within the area that was covered by the State/Territory petroleum retention title—that part of the graticular section.

Note: See also subsection (5).

State PSLA has the same meaning as in Part 6.9.

Territory PSLA has the same meaning as in Part 6.9.

Division 3—Renewal of petroleum retention leases

153 Application for renewal of petroleum retention lease

Application for renewal

- (1) A petroleum retention lessee may apply to the Titles Administrator for the renewal by the Joint Authority of the lease.
- (2) An application to renew a petroleum retention lease must be made:
 - (a) not more than 12 months before the expiry date of the lease; and
 - (b) at least 180 days before the expiry date of the lease.
- (3) Despite subsection (2), the Titles Administrator may accept an application to renew a petroleum retention lease if the application is made:
 - (a) later than 180 days before the expiry date of the lease; and
 - (b) before the expiry date of the lease.
- (4) An application to renew a petroleum retention lease must be accompanied by details of:
 - (a) the lessee's proposals for work and expenditure in relation to the lease area; and
 - (b) the current commercial viability of recovery of petroleum from the lease area; and
 - (c) the possible future commercial viability of recovery of petroleum from the lease area.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

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Extension of duration of petroleum retention lease pending decision on application

- (5) If:
- (a) a petroleum retention lessee makes an application to renew the lease; and
 - (b) the lease would, apart from this subsection, expire:
 - (i) before the Joint Authority grants, or refuses to grant, the renewal of the lease; or
 - (ii) before the application lapses as provided by section 260;
- the lease continues in force:
- (c) until the Joint Authority grants, or refuses to grant, the renewal of the lease; or
 - (d) until the application so lapses;
- whichever happens first.
- (6) Subsection (5) has effect subject to this Chapter but despite section 139.

Note: See the notes at the end of section 139.

154 Renewal of petroleum retention lease—offer document

Scope

- (1) This section applies if an application to renew a petroleum retention lease has been made under section 153.

Offer document—compliance with conditions etc.

- (2) If:
- (a) each of the following has been complied with:
 - (i) the conditions to which the petroleum retention lease is, or has from time to time been, subject;
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1;
 - (iii) the regulations; and

(b) the Joint Authority is satisfied that recovery of petroleum from the lease area:

- (i) is not, at the time of the application, commercially viable; and
- (ii) is likely to become commercially viable within the period of 15 years after that time;

the Joint Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to renew the lease.

Note: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Offer document—non-compliance with conditions etc.

(3) If:

(a) any of:

- (i) the conditions to which the petroleum retention lease is, or has from time to time been, subject; or
- (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1; or
- (iii) the provisions of the regulations; have not been complied with; and

(b) the Joint Authority is satisfied that there are sufficient grounds to warrant the granting of the renewal of the petroleum retention lease; and

(c) the Joint Authority is satisfied that recovery of petroleum from the lease area:

- (i) is not, at the time of the application, commercially viable; and
- (ii) is likely to become commercially viable within the period of 15 years after that time;

the Joint Authority may give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to renew the lease.

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Note: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

155 Refusal to renew petroleum retention lease

Scope

- (1) This section applies if an application to renew a petroleum retention lease has been made under section 153.

Refusal on grounds of non-compliance with conditions

- (2) If:
- (a) any of:
 - (i) the conditions to which the petroleum retention lease is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1; or
 - (iii) the provisions of the regulations; have not been complied with; and
 - (b) the Joint Authority is not satisfied that there are sufficient grounds to warrant the granting of the renewal of the petroleum retention lease;
- the Joint Authority must, by written notice given to the applicant, refuse to renew the lease.

Note: Consultation procedures apply—see section 262.

Refusal on grounds of commercial viability

- (3) If the Joint Authority is satisfied that recovery of petroleum from the lease area is, at the time of the application, commercially viable, the Joint Authority must, by written notice given to the applicant, refuse to renew the lease.

Note: Consultation procedures apply—see section 262.

- (4) If the Joint Authority is satisfied that recovery of petroleum from the lease area is unlikely to become commercially viable within the

period of 15 years after the time of the application, the Joint Authority must, by written notice given to the applicant, refuse to renew the lease.

Note: Consultation procedures apply—see section 262.

Application for petroleum production licence within 12 months after refusal

- (5) A notice of refusal under subsection (3) must contain a statement to the effect that the lessee may, within 12 months after the notice was given, apply for a petroleum production licence over one or more of the blocks comprised in the lease.
- (6) If:
- (a) the Joint Authority makes a decision under subsection (3) refusing to renew the lease; and
 - (b) a notice of refusal is given to the applicant; and
 - (c) within 12 months after the notice was given, the lessee applies for a petroleum production licence over one or more of the blocks comprised in the lease; and
 - (d) the lease would, apart from this subsection, expire:
 - (i) before the Joint Authority grants, or refuses to grant, the petroleum production licence; or
 - (ii) before the application lapses;
- the lease continues in force until:
- (e) the Joint Authority grants, or refuses to grant, the petroleum production licence; or
 - (f) the application lapses;
- whichever happens first.
- (7) If:
- (a) the Joint Authority makes a decision under subsection (3) refusing to renew the lease; and
 - (b) a notice of refusal is given to the applicant; and
 - (c) subsection (6) does not apply; and

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- (d) the lease would, apart from this subsection, expire within 12 months after the notice was given;
the lease continues in force until the end of the 12-month period beginning on the day on which the notice was given.
- (8) Subsections (6) and (7) have effect subject to this Chapter but despite section 139.

Note: See the notes at the end of section 139.

155A Time limit for making decision about renewal of petroleum retention lease

- (1) The Joint Authority must make a decision under section 154 or 155, in relation to an application under section 153, within the period that:
 - (a) begins when the application was made; and
 - (b) runs for:
 - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
 - (ii) if no such agreement is in force—the prescribed number of days.
- (2) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (1) of this section is extended by one day for each day during the period:
 - (a) beginning on the day on which the notice is given; and
 - (b) ending when the applicant gives the Titles Administrator the information.
- (3) The Joint Authority is not required to comply with subsection (1) unless a number of days is prescribed for the purposes of subparagraph (1)(b)(ii).

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- (4) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (1)(b)(i).
- (5) A failure to comply with subsection (1) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

156 Renewal of petroleum retention lease

If:

- (a) an applicant has been given an offer document under section 154; and
- (b) the applicant has made a request under section 260 in relation to the offer document within the period applicable under that section;

the Joint Authority must renew the petroleum retention lease.

Note: If the applicant does not make a request under section 260 within the period applicable under that section, the application lapses at the end of that period—see subsection 260(4).

Division 4—Revocation of petroleum retention leases

157 Notice of proposal to revoke petroleum retention lease

Scope

- (1) This section applies if:
- (a) a petroleum retention lessee has been given a notice under subsection 136(5) during the term of the lease; and
 - (b) the lessee has carried out, and has informed the Titles Administrator of the results of, the re-evaluation required by the notice; and
 - (c) the lessee has not made an application to renew the lease; and
 - (d) after consideration of:
 - (i) the results of the re-evaluation referred to in paragraph (b); and
 - (ii) such other matters as the Joint Authority thinks fit; the Joint Authority is of the opinion that recovery of petroleum from the lease area is commercially viable.

Note: Subsection 136(5) deals with re-evaluation of the commercial viability of petroleum production in the lease area.

Notice of proposal to revoke lease

- (2) The Joint Authority may give the lessee, and such other persons (if any) as the Joint Authority thinks appropriate, a written notice:
- (a) telling the recipient of the notice that the Joint Authority:
 - (i) has formed the opinion that recovery of petroleum from the lease area is commercially viable; and
 - (ii) proposes to revoke the lease; and
 - (b) inviting the recipient of the notice to make a written submission to the Joint Authority about the proposal to revoke the lease; and
 - (c) specifying a time limit for making that submission.

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Note: All communications to the Joint Authority are to be made through the Titles Administrator—see section 63.

- (3) The time limit must be at least 30 days after the notice is given.

158 Revocation of petroleum retention lease

- (1) If:
- (a) a notice under subsection 157(2) is given to:
 - (i) the lessee of a petroleum retention lease; or
 - (ii) the lessee of a petroleum retention lease and one or more other persons; and
 - (b) either:
 - (i) the lessee does not make a submission in accordance with the notice; or
 - (ii) the Joint Authority, after consideration of any submissions made in accordance with the notice, determines that the lease should be revoked;
- the Joint Authority must, by written notice given to the lessee, revoke the lease.

When revocation takes effect

- (2) If:
- (a) a petroleum retention lease is revoked under subsection (1); and
 - (b) the lessee applies for a petroleum production licence in relation to one or more of the blocks comprised in the lease within the period of 12 months beginning on the day on which the notice of revocation was given;
- the revocation of the lease takes effect:
- (c) when the Joint Authority grants, or refuses to grant, the petroleum production licence; or
 - (d) when the application lapses;
- whichever happens first.
- (3) If:

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- (a) a petroleum retention lease is revoked under subsection (1);
and
 - (b) the lessee does not apply for a petroleum production licence in relation to one or more of the blocks comprised in the lease within the period of 12 months beginning on the day on which the notice of revocation was given;
the revocation of the lease takes effect at the end of that 12-month period.
- (4) If a petroleum retention lease is revoked under subsection (1), the lease continues in force until the revocation takes effect in accordance with subsection (2) or (3).

Part 2.4—Petroleum production licences

Division 1—General provisions

159 Simplified outline

The following is a simplified outline of this Part:

- It is an offence to recover petroleum in an offshore area except:
 - (a) under a petroleum production licence; or
 - (b) as otherwise authorised or required by or under this Act.
- This Part provides for the grant of petroleum production licences over blocks in an offshore area.
- A petroleum production licence authorises the licensee to carry out petroleum recovery operations in the licence area.
- There are 4 ways in which a petroleum production licence can be granted:
 - (a) grant of a petroleum production licence as a result of an application made by a petroleum exploration permittee or a petroleum retention lessee;
 - (b) grant of a petroleum production licence over a surrendered block or a similar block;
 - (c) grant of a petroleum production licence over an individual block in exchange for another licence that was in force over the same block;
 - (d) grant of a petroleum production licence as a result of a change to the boundary of the coastal waters of a State or Territory.

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160 Prohibition of unauthorised recovery of petroleum in offshore area

- (1) A person commits an offence if:
- (a) the person carries on petroleum recovery operations; and
 - (b) the operations are carried on in an offshore area.

Penalty: Imprisonment for 5 years.

- (2) Subsection (1) does not apply if the operations are:
- (a) authorised by a petroleum production licence; or
 - (b) otherwise authorised or required by or under this Act.

Note: The defendant bears an evidential burden in relation to the matter in subsection (2)—see subsection 13.3(3) of the *Criminal Code*.

161 Rights conferred by petroleum production licence

- (1) A petroleum production licence authorises the licensee, in accordance with the conditions (if any) to which the licence is subject:
- (a) to recover petroleum in the licence area; and
 - (b) to recover petroleum from the licence area in another area to which the licensee has lawful access for that purpose; and
 - (c) to explore for petroleum in the licence area; and
 - (d) to carry on such operations, and execute such works, in the licence area as are necessary for those purposes.
- (2) Express references in this Act to the injection or storage of a substance do not imply that subsection (1) does not operate so as to authorise the licensee:
- (a) to carry on operations to inject a substance into the seabed or subsoil of an offshore area; or
 - (b) to carry on operations to store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area.

- (3) The regulations may provide that a petroleum production licence authorises the licensee, in accordance with the conditions (if any) to which the licence is subject:
- (a) to explore in the licence area for a potential greenhouse gas storage formation; and
 - (b) to explore in the licence area for a potential greenhouse gas injection site; and
 - (c) to carry on such operations, and execute such works, in the licence area as are necessary for those purposes.
- (4) The regulations may provide that, if:
- (a) petroleum is recovered in the licence area of a petroleum production licence (the *first licence*); and
 - (b) operations for the recovery or processing of the petroleum are carried on using a facility located in the licence area of another petroleum production licence (the *second licence*); and
 - (c) a prescribed substance (which may be a hydrocarbon) is recovered as an incidental consequence of the recovery of the petroleum;
- the second licence authorises the licensee of the second licence, in accordance with the conditions (if any) to which the second licence is subject:
- (d) to inject the substance into the seabed or subsoil of the licence area of the second licence; and
 - (e) to store (whether on a permanent basis or otherwise) the substance in the seabed or subsoil of the licence area of the second licence; and
 - (f) to carry on such operations, and execute such works, in the licence area of the second licence as are necessary for those purposes.
- (5) Subsections (3) and (4) do not limit subsection (1).
- (6) The rights conferred on the licensee by or under subsection (1), (3) or (4) are subject to this Act and the regulations.

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162 Conditions of petroleum production licences

- (1) The Joint Authority may grant a petroleum production licence subject to whatever conditions the Joint Authority thinks appropriate.

Note: A grant of a licence may be a grant by way of renewal—see section 11.

- (2) The conditions (if any) must be specified in the licence.

- (2A) Subsection (1) does not apply to a petroleum production licence granted under section 183A.

Petroleum production licence to which the Royalty Act applies

- (3) A petroleum production licence to which the Royalty Act applies is subject to a condition that the licensee will comply with the provisions of the Royalty Act.

Note: The Royalty Act applies to a small number of North West Shelf titles.

- (4) Despite subsection (2), the condition mentioned in subsection (3) does not need to be specified in the licence.

General condition

- (5) A petroleum production licence may be granted subject to a general condition requiring the licensee to:
- (a) explore for petroleum in the licence area with a view to determining whether there is any additional recoverable petroleum in the licence area; and
 - (b) recover such petroleum if it is commercially viable to do so.
- (6) Subsection (5) does not limit subsection (1), (12) or (19).

Specific conditions

- (7) Despite subsection (1), a petroleum production licence must not be granted subject to specific conditions requiring the licensee to:
- (a) make a well in the licence area; or

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- (b) carry out a seismic survey, or any other kind of survey, in, or in relation to, the licence area; or
 - (c) spend particular amounts on the carrying out of work in, or in relation to, the licence area.
- (8) To avoid doubt, a condition covered by subsection (5) does not breach subsection (7).

Renewal conditions

- (9) In making a decision about the conditions to which a petroleum production licence granted on renewal will be subject, the Joint Authority must have regard to:
 - (a) the investment of the licensee, or of any former licensee, during the term of:
 - (i) the original petroleum production licence; or
 - (ii) any petroleum production licence granted on a previous renewal;where the investment relates to:
 - (iii) operations authorised by the licence concerned; or
 - (iv) any other development connected with those operations; and
 - (b) such other matters (if any) as the Joint Authority considers relevant.

Declared petroleum production licences—approval of key petroleum operations

- (10) A declared petroleum production licence is subject to the condition that the licensee will not carry on key petroleum operations under the licence unless the responsible Commonwealth Minister has approved the operations under section 163.
- (11) Despite subsection (2), the condition mentioned in subsection (10) does not need to be specified in the licence.
- (12) If, under section 163, the responsible Commonwealth Minister approves the carrying on of one or more key petroleum operations

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under a declared petroleum production licence, the responsible Commonwealth Minister may, by written notice given to the licensee, vary the licence by imposing one or more conditions to which the licence is subject.

- (13) A variation of a declared petroleum production licence under subsection (12) takes effect on the day on which notice of the variation is given to the licensee.
- (14) A condition imposed under subsection (12) may require the licensee to ensure that:
- (a) all wells; or
 - (b) one or more specified wells;
- made in the licence area by any person engaged or concerned in operations authorised by the licence are made in a manner, and to a standard, that will facilitate the plugging or closing off of the wells in a way that restores or maintains the suitability of a part of a geological formation for the permanent storage of greenhouse gas substances.
- (15) Subsection (14) does not limit:
- (a) subsection (12); or
 - (b) Part 6.2; or
 - (c) Part 6.4.
- (16) If:
- (a) a declared petroleum production licence is subject to a condition; and
 - (b) the condition was imposed under subsection (12);
- the responsible Commonwealth Minister may, by written notice given to the licensee, vary or revoke the condition.
- (17) A variation of a declared petroleum production licence under subsection (16) takes effect on the day on which notice of the variation is given to the licensee.
- (18) Subsection (17) does not limit section 264.

Petroleum production licences obtained as a result of a change to the boundary of the coastal waters of a State or Territory

- (19) The Joint Authority may, by written notice given to the licensee of a petroleum production licence granted under section 183A, vary the licence by imposing one or more conditions to which the licence is subject.
- (20) A notice under subsection (19) must be given within 14 days after the grant of the licence.
- (21) A variation under subsection (19) takes effect on the day on which notice of the variation is given to the licensee.

163 Declared petroleum production licence—approval by responsible Commonwealth Minister of key petroleum operations

- (1) The registered holder of a declared petroleum production licence may apply to the responsible Commonwealth Minister for approval to carry on one or more key petroleum operations under the licence.
- (2) If an application for approval is made under subsection (1), the responsible Commonwealth Minister may:
 - (a) give the approval; or
 - (b) by written notice given to the applicant, refuse to give the approval.

Responsible Commonwealth Minister must have regard to certain matters

- (3) In deciding whether to give the approval, the responsible Commonwealth Minister must comply with subsections (4), (5), (6) and (7).
- (4) The responsible Commonwealth Minister must have regard to the impact (if any) that any of those key petroleum operations could have on:

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- (a) operations for the injection of a greenhouse gas substance; or
 - (b) operations for the storage of a greenhouse gas substance;that are being, or could be, carried on under:
 - (c) an existing greenhouse gas assessment permit; or
 - (d) an existing greenhouse gas holding lease; or
 - (e) an existing greenhouse gas injection licence; or
 - (f) if a greenhouse gas assessment permit or a greenhouse gas holding lease is in force over a block or blocks:
 - (i) a future greenhouse gas holding lease over the block or any of the blocks; or
 - (ii) a future greenhouse gas injection licence over the block or any of the blocks.
- (5) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:
 - (a) operations for the injection of a greenhouse gas substance; or
 - (b) operations for the storage of a greenhouse gas substance;that are being, or could be, carried on under:
 - (c) an existing greenhouse gas assessment permit held by a person other than the applicant; or
 - (d) an existing greenhouse gas holding lease held by a person other than the applicant; or
 - (e) an existing greenhouse gas injection licence held by a person other than the applicant;the responsible Commonwealth Minister must have regard to:
 - (f) whether the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence, as the case may be, has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied; and
 - (g) if so—the terms of that agreement.

- (6) If:
- (a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:
 - (i) operations for the injection of a greenhouse gas substance; or
 - (ii) operations for the storage of a greenhouse gas substance;that could be carried on under:
 - (iii) a future greenhouse gas holding lease over a block or blocks; or
 - (iv) a future greenhouse gas injection licence over a block or blocks; and
 - (b) a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is in force over the block or any of the blocks; and
 - (c) the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is held by a person other than the applicant;
- the responsible Commonwealth Minister must have regard to:
- (d) whether the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence covered by paragraph (b) has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied; and
 - (e) if so—the terms of that agreement.
- (7) The responsible Commonwealth Minister must have regard to the public interest.
- (8) Subsections (4), (5) and (6) do not limit subsection (7).
- (9) Subsections (4), (5), (6) and (7) do not limit the matters to which the responsible Commonwealth Minister may have regard.

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Responsible Commonwealth Minister must not give approval in certain circumstances

- (10) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key petroleum operations will have a significant adverse impact on:
- (a) operations for the injection of a greenhouse gas substance; or
 - (b) operations for the storage of a greenhouse gas substance;
- that are being, or could be, carried on under an existing greenhouse gas injection licence, the responsible Commonwealth Minister must not give the approval unless the registered holder of the greenhouse gas injection licence has agreed, in writing, to the applicant carrying on the key petroleum operations in respect of which the responsible Commonwealth Minister is so satisfied.

No right to an approval

- (11) To avoid doubt, section 161 does not imply that a petroleum production licensee who applies for approval under subsection (1) of this section is entitled to be given the approval.

Suspension of rights

- (12) For the purposes of this section, disregard a suspension of rights under section 438.

164 Declared petroleum production licences

- (1) If:
- (a) a post-commencement petroleum production licence is in force; and
 - (b) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the key petroleum operations that could be carried on under the licence will have a significant adverse impact on:
 - (i) operations for the injection of a greenhouse gas substance; or

- (ii) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

- (iii) an existing greenhouse gas assessment permit; or
- (iv) an existing greenhouse gas holding lease; or
- (v) an existing greenhouse gas injection licence; or
- (vi) a future greenhouse gas assessment permit; or
- (vii) a future greenhouse gas holding lease; or
- (viii) a future greenhouse gas injection licence;

the responsible Commonwealth Minister must, by written notice given to the petroleum production licensee, determine that the petroleum production licence is a ***declared petroleum production licence*** for the purposes of this Act.

(2) If:

- (a) a determination is in force under subsection (1) in relation to a post-commencement petroleum production licence; and
- (b) the responsible Commonwealth Minister is not satisfied that there is a significant risk that any of the key petroleum operations that could be carried on under the licence will have a significant adverse impact on:

- (i) operations for the injection of a greenhouse gas substance; or
- (ii) operations for the storage of a greenhouse gas substance;

that are being, or could be, carried on under:

- (iii) an existing greenhouse gas assessment permit; or
- (iv) an existing greenhouse gas holding lease; or
- (v) an existing greenhouse gas injection licence; or
- (vi) a future greenhouse gas assessment permit; or
- (vii) a future greenhouse gas holding lease; or
- (viii) a future greenhouse gas injection licence;

the responsible Commonwealth Minister must, by written notice given to the petroleum production licensee, revoke the determination.

Section 165

165 Duration of petroleum production licence

- (1) The duration of a petroleum production licence is worked out using the table:

Duration of petroleum production licences		
Item	This kind of petroleum production licence...	remains in force...
1	an original petroleum production licence granted on or after 30 July 1998 (other than a licence granted under section 183A)	indefinitely.
2	an original petroleum production licence granted before 30 July 1998	for the period of 21 years beginning on: (a) the day on which the licence is granted; or (b) if a later day is specified in the licence as the day on which the licence is to come into force—that later day.
3	a petroleum production licence granted by way of the first renewal of a petroleum production licence (other than petroleum production licence WA-1-L, WA-3-L, WA-5-L, WA-6-L, VIC/L 13, VIC/L 14, AC/L1 or AC/L2), where the original petroleum production licence was granted before 30 July 1998	for the period of 21 years beginning on: (a) the day on which the licence is granted; or (b) if a later day is specified in the licence as the day on which the licence is to come into force—that later day.
3A	a petroleum production licence granted by way of the first renewal of petroleum production licence WA-1-L, WA-3-L, WA-5-L, WA-6-L, VIC/L 13, VIC/L 14, AC/L1 or AC/L2	indefinitely.

Section 165

Duration of petroleum production licences

Item	This kind of petroleum production licence...	remains in force...
4	a petroleum production licence granted by way of the second renewal of a petroleum production licence, where the original petroleum production licence was granted before 30 July 1998	indefinitely.
5	a petroleum production licence granted under section 183A	for the period of 21 years beginning on the day on which the licence is granted.

(2) Subsection (1) has effect subject to this Chapter.

(3) A petroleum production licence covered by item 1, 3A or 4 of the table in subsection (1) is called a ***life-of-field petroleum production licence***.

(4) A petroleum production licence covered by item 2, 3 or 5 of the table in subsection (1) is called a ***fixed-term petroleum production licence***.

Note 1: For a special rule about the extension of the duration of licences pending decisions on renewal applications, see subsection 184(6).

Note 2: For special rules about the duration of licences granted over individual blocks, see subsections 183(3) and (4).

Note 3: For the revocation of an initial petroleum production licence mentioned in section 182, see subsection 183(7).

Note 4: For a special rule about when a petroleum production licence ceases to be in force following the grant of a petroleum retention lease, see section 151.

Note 5: For the surrender of a petroleum production licence, see Part 2.12.

Note 6: For the cancellation of a petroleum production licence, see Part 2.13.

Note 7: For the termination of a life-of-field petroleum production licence if there have been no recovery operations for 5 years, see section 166.

Note 8: See also section 780 (compensation for acquisition of property).

Section 166

166 Termination of life-of-field petroleum production licence if no recovery operations for 5 years

Termination of licence

(1) If:

- (a) a petroleum production licence is a life-of-field petroleum production licence; and
- (b) no petroleum recovery operations under the licence have been carried on at any time during a continuous period of at least 5 years;

the Joint Authority may, by written notice given to the licensee, tell the licensee that the Joint Authority proposes to terminate the licence after the end of 30 days after the notice is given.

(2) At any time after the end of 30 days after the notice is given to the licensee, the Joint Authority may, by written notice given to the licensee, terminate the licence.

Note: For remedial directions following termination, see section 587 or 587A.

(3) In working out, for the purposes of subsection (1), the period in which no petroleum recovery operations were carried on under a licence, disregard any period in which no such operations were carried on because of circumstances beyond the licensee's control.

(4) For the purposes of subsection (3), the depletion of recoverable petroleum is not a circumstance beyond the licensee's control.

Note: See also section 780 (compensation for acquisition of property).

Consultation

(5) The Joint Authority may give a copy of a notice under subsection (1) to such other persons (if any) as the Joint Authority thinks fit.

(6) A notice under subsection (1) must:

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- (a) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Joint Authority about the proposal to terminate the licence; and
- (b) specify a time limit for making that submission.

Note: All communications to the Joint Authority are to be made through the Titles Administrator—see section 63.

- (7) In deciding whether to terminate the licence, the Joint Authority must take into account any submissions made in accordance with the notice.

167 Petroleum production licences to which the Royalty Act applies

- (1) Schedule 4 has effect.
- (2) A reference in this Act to this Chapter includes a reference to Schedule 4.

Division 2—Obtaining a petroleum production licence as a result of an application made by a petroleum exploration permittee or a petroleum retention lessee

168 Application for petroleum production licence by permittee

Scope

- (1) This section applies to a petroleum exploration permit if the Royalty Act does not apply to the permit.

Note: Schedule 4 deals with applications for petroleum production licences by the holders of petroleum exploration permits to which the Royalty Act applies.

Application

- (2) If a petroleum exploration permit is in force over a block that constitutes, or the blocks that constitute, a location, the permittee may, within the application period, apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over that block or over one or more of those blocks.

Note: For *application period*, see section 169.

Variation of application

- (3) At any time before an offer document relating to the application is given to the applicant, the applicant may, by written notice given to the Titles Administrator, vary the number of blocks specified in the application.
- (4) A variation of an application must be made in an approved manner.
- (5) A variation of an application may set out any additional matters that the applicant wishes to be considered.

Proposals for work and expenditure

- (6) An application, or a variation of an application, under this section must be accompanied by details of the applicant's proposals for work and expenditure in relation to the area comprised in the block or blocks covered by the application or the varied application, as the case may be.

Greater Sunrise unit reservoir petroleum production licence

- (7) An application under this section for the grant of a Greater Sunrise unit reservoir petroleum production licence must also:
- (a) nominate a person to be the unit operator, as defined in the Greater Sunrise unitisation agreement; and
 - (b) be accompanied by each Joint Venturers' Agreement, as defined in the Greater Sunrise unitisation agreement; and
 - (c) be accompanied by a copy of the proposed Development Plan, as defined in the Greater Sunrise unitisation agreement.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

169 Application period

- (1) The ***application period*** for an application under section 168 is:
- (a) the period of 2 years after the day (the ***declaration day***) on which the block that constitutes the location concerned was, or the blocks that constitute the location concerned were, declared to be a location; or
 - (b) such longer period, not more than 4 years after the declaration day, as the Titles Administrator allows.
- (2) The Titles Administrator may allow a longer period under paragraph (1)(b) only on written application made by the permittee within the period of 2 years mentioned in paragraph (1)(a).

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(3) Despite subsection (1), if:

- (a) a petroleum exploration permittee has applied for a petroleum retention lease under section 141 over a block or blocks; and
- (b) a notice refusing to grant the petroleum retention lease has been given to the permittee under section 143; and
- (ba) the reason for the refusal is that the Joint Authority is not satisfied as to the matter referred to in subparagraph 142(b)(ii);

the *application period* for an application made by the permittee under section 168 for the grant of a petroleum production licence over the block or blocks is whichever of the following periods ends last:

- (c) the period that is applicable under subsection (1);
- (d) the period of 12 months after the day on which the notice was given.

Note: Section 188 deals with the consequences of a failure to make an application within the application period.

170 Application for petroleum production licence by lessee

Scope

- (1) This section applies to a petroleum retention lease if the Royalty Act does not apply to the lease.

Note: Schedule 4 deals with applications for petroleum production licences by the holders of petroleum retention leases to which the Royalty Act applies.

Application for petroleum production licence

- (2) If a petroleum retention lease is in force over a block or blocks, the lessee may apply to the Titles Administrator for the grant by the Joint Authority of a petroleum production licence over that block or over one or more of those blocks.

Proposals for work and expenditure

- (3) An application under this section must be accompanied by details of the applicant's proposals for work and expenditure in relation to the area comprised in the block or blocks specified in the application.

Greater Sunrise unit reservoir petroleum production licence

- (4) An application under this section for the grant of a Greater Sunrise unit reservoir petroleum production licence must also:
- (a) nominate a person to be the unit operator, as defined in the Greater Sunrise unitisation agreement; and
 - (b) be accompanied by each Joint Venturers' Agreement, as defined in the Greater Sunrise unitisation agreement; and
 - (c) be accompanied by a copy of the proposed Development Plan, as defined in the Greater Sunrise unitisation agreement.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

171 Offer document

- (1) If:
- (a) an application for the grant of a petroleum production licence has been made under:
 - (i) section 168 or 170; or
 - (ii) clause 2 or 4 of Schedule 4; and
 - (b) the Joint Authority is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum; and
 - (c) in the case of an application for a Greater Sunrise unit reservoir petroleum production licence—section 172 has been complied with; and

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- (d) in a case where (assuming that the applicant were granted a petroleum production licence over the block or blocks as to which the Joint Authority is satisfied as mentioned in paragraph (b)) the petroleum production licence would be a post-commencement petroleum production licence, and:
 - (i) the Joint Authority is satisfied that there is a significant risk that any of the operations that could be carried on under the petroleum production licence will have a significant adverse impact on operations that are being, or could be, carried on under a greenhouse gas assessment permit or a greenhouse gas holding lease; or
 - (ii) if one or more identified greenhouse gas storage formations are wholly situated in the permit area of a greenhouse gas assessment permit or the lease area of a greenhouse gas holding lease—the Joint Authority is satisfied that there is a significant risk that any of the operations that could be carried on under the petroleum production licence will have a significant adverse impact on operations that could be carried on under a future greenhouse gas injection licence, where the identified greenhouse gas storage formation, or any of the identified greenhouse gas storage formations, is wholly situated in the licence area of the future greenhouse gas injection licence;the Joint Authority is satisfied that it is in the public interest for the petroleum production licence to be granted to the applicant; and
- (e) in a case where:
 - (i) (assuming that the applicant were granted a petroleum production licence over the block or blocks as to which the Joint Authority is so satisfied as mentioned in paragraph (b)) the petroleum production licence would be a post-commencement petroleum production licence; and
 - (ii) the Joint Authority is satisfied that there is a significant risk that any of the operations that could be carried on under the petroleum production licence will have a

significant adverse impact on operations that are being, or could be, carried on under a greenhouse gas injection licence;

the Joint Authority is satisfied that:

- (iii) the registered holder of the greenhouse gas injection licence has agreed, in writing, to the grant of the petroleum production licence; and
- (iv) to the extent to which the agreement is a dealing to which Part 5.6 applies—the dealing has been approved under section 543 or is reasonably likely to be approved under that section; and
- (v) to the extent to which the agreement is a dealing to which Part 4.6 would apply if the petroleum production licence were to come into existence—it is reasonably likely that the dealing would, after the petroleum production licence comes into existence, be approved under section 493;

the Joint Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant a petroleum production licence over the block or blocks as to which the Joint Authority is so satisfied as mentioned in paragraph (b).

Note 1: Section 168 and clause 2 of Schedule 4 deal with applications by permittees.

Note 2: Section 170 and clause 4 of Schedule 4 deal with applications by lessees.

Note 3: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 4: If the applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document—see subsection 258(3).

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Public interest

- (2) For the purposes of paragraph (1)(d), in considering whether the grant of the petroleum production licence is in the public interest, the Joint Authority must have regard to:
 - (a) whether the registered holder of the greenhouse gas assessment permit or greenhouse gas holding lease, as the case may be, has agreed, in writing, to the grant of the petroleum production licence; and
 - (b) if so—the terms of that agreement.
- (3) Subsection (2) does not limit the matters to which the Joint Authority may have regard.

Deferral of decision

- (4) This section has effect subject to section 174.

172 Consultation—Greater Sunrise unit reservoir petroleum production licence

Before the Greater Sunrise Offshore Petroleum Joint Authority gives an offer document to an applicant for the grant of a Greater Sunrise unit reservoir petroleum production licence, the Joint Authority must:

- (a) give to the Timorese Designated Authority a written notice that:
 - (i) states that the Joint Authority is considering granting the licence to the applicant and naming the person whom the applicant has nominated to be the unit operator; and
 - (ii) is accompanied by a copy of each Joint Venturers' Agreement that accompanied the application; and
 - (iii) is accompanied by a copy of the proposed Development Plan that accompanied the application; and
- (b) approve:

- (i) a unit operator for the development of the Greater Sunrise unit reservoirs in the blocks to which the licence relates; and
- (ii) each Joint Venturers' Agreement for the development; and
- (iii) the Development Plan for the development; and
- (c) be satisfied that the Timorese Designated Authority has approved the same unit operator, Joint Venturers' Agreements and Development Plan for the development.

173 Refusal to grant petroleum production licence

Scope

- (1) This section applies if an application for the grant of a petroleum production licence has been made under:
 - (a) section 168 or 170; or
 - (b) clause 2 or 4 of Schedule 4.

Note 1: Section 168 and clause 2 of Schedule 4 deal with applications by permittees.

Note 2: Section 170 and clause 4 of Schedule 4 deal with applications by lessees.

No block contains petroleum

- (2) If:
 - (a) the application specifies one block; and
 - (b) the Joint Authority is not satisfied that the block contains petroleum;the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum production licence to the applicant.
- (3) If:
 - (a) the application specifies 2 or more blocks; and
 - (b) the Joint Authority is not satisfied that any of the blocks contains petroleum;

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the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum production licence to the applicant.

Some, but not all, blocks contain petroleum

- (4) If:
- (a) the application specifies 2 or more blocks; and
 - (b) the Joint Authority is satisfied that:
 - (i) only one of the blocks contains petroleum; or
 - (ii) some, but not all, of the blocks contain petroleum;
- the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum production licence to the applicant in relation to the remaining block or blocks.

Note: The petroleum exploration permit or petroleum retention lease remains in force in relation to the remaining block or blocks.

Application for Greater Sunrise unit reservoir petroleum production licence—no approval by Timorese Designated Authority

- (5) If:
- (a) the application is for a Greater Sunrise unit reservoir petroleum production licence; and
 - (b) the Joint Authority is not satisfied that the Timorese Designated Authority has given the approvals mentioned in paragraph 172(c);
- the Joint Authority must, by written notice given to the applicant, refuse to grant the licence to the applicant.

Impact on greenhouse gas titles

- (6) If:
- (a) (assuming that the applicant were granted a petroleum production licence over the block or blocks as to which the Joint Authority is satisfied as mentioned in paragraph 171(1)(b)) the petroleum production licence would be a post-commencement petroleum production licence; and

(b) either:

- (i) the Joint Authority is satisfied that there is a significant risk that any of the operations that could be carried on under the petroleum production licence will have a significant adverse impact on operations that are being, or could be, carried on under a greenhouse gas assessment permit or a greenhouse gas holding lease; or
 - (ii) if one or more identified greenhouse gas storage formations are wholly situated in the permit area of a greenhouse gas assessment permit or the lease area of a greenhouse gas holding lease—the Joint Authority is satisfied that there is a significant risk that any of the operations that could be carried on under the petroleum production licence will have a significant adverse impact on operations that could be carried on under a future greenhouse gas injection licence, where the identified greenhouse gas storage formation, or any of the identified greenhouse gas storage formations, is wholly situated in the licence area of the future greenhouse gas injection licence; and
- (c) the Joint Authority is not satisfied that it is in the public interest for the petroleum production licence to be granted to the applicant;

the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum production licence to the applicant.

(7) If:

- (a) (assuming that the applicant were granted a petroleum production licence over the block or blocks as to which the Joint Authority is satisfied as mentioned in paragraph 171(1)(b)) the petroleum production licence would be a post-commencement petroleum production licence; and
- (b) the Joint Authority is satisfied that there is a significant risk that any of the operations that could be carried on under the petroleum production licence will have a significant adverse impact on operations that are being, or could be, carried on under a greenhouse gas injection licence; and

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- (c) the Joint Authority is not satisfied that:
- (i) the registered holder of the greenhouse gas injection licence has agreed, in writing, to the grant of the petroleum production licence; and
 - (ii) to the extent to which the agreement is a dealing to which Part 5.6 applies—the dealing has been approved under section 543 or is reasonably likely to be approved under that section; and
 - (iii) to the extent to which the agreement is a dealing to which Part 4.6 would apply if the petroleum production licence were to come into existence—it is reasonably likely that the dealing would, after the petroleum production licence comes into existence, be approved under section 493;

the Joint Authority must, by written notice given to the applicant, refuse to grant a petroleum production licence to the applicant.

Reasons for refusal

- (8) A notice under this section must set out the reasons for the Joint Authority's refusal.

Public interest

- (9) For the purposes of paragraph (6)(c), in considering whether the grant of the petroleum production licence is in the public interest, the Joint Authority must have regard to:
- (a) whether the registered holder of the greenhouse gas assessment permit or greenhouse gas holding lease, as the case may be, has agreed, in writing, to the grant of the petroleum production licence; and
 - (b) if so—the terms of that agreement.
- (10) Subsection (9) does not limit the matters to which the Joint Authority may have regard.

Deferral of application

- (11) This section has effect subject to section 174.

173A Time limit for making decision about grant of petroleum production licence

Scope

- (1) This section applies if an application for the grant of a petroleum production licence (other than a Greater Sunrise unit reservoir petroleum production licence) has been made under section 168 or 170.

Note 1: Section 168 deals with applications by permittees.

Note 2: Section 170 deals with applications by lessees.

Time limit

- (2) The Joint Authority must make a decision under section 171 or 173, in relation to the application, within the period that:
- (a) begins when the application was made; and
 - (b) runs for:
 - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
 - (ii) if no such agreement is in force—the prescribed number of days.
- (3) If:
- (a) section 174 applies in relation to the application; and
 - (b) the Joint Authority defers taking any action in relation to the application in accordance with that section;
- the period referred to in subsection (2) of this section is extended by one day for each day during which the deferral continues.

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- (4) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (2) of this section is extended by one day for each day during the period:
 - (a) beginning on the day on which the notice is given; and
 - (b) ending when the applicant gives the Titles Administrator the information.
- (5) The Joint Authority is not required to comply with subsection (2) unless a number of days is prescribed for the purposes of subparagraph (2)(b)(ii).
- (6) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (2)(b)(i).
- (7) A failure to comply with subsection (2) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

174 Joint Authority may defer taking action on application for petroleum production licence if there is a pending application for a greenhouse gas assessment permit

Scope

- (1) This section applies if:
 - (a) an application for the grant of a petroleum production licence has been made under:
 - (i) section 168 or 170; or
 - (ii) clause 2 or 4 of Schedule 4; and
 - (b) assuming that the applicant were granted a petroleum production licence over the block or blocks as to which the Joint Authority is so satisfied as mentioned in paragraph 171(1)(b), the petroleum production licence would be a post-commencement petroleum production licence; and

- (c) when the application for the grant of the petroleum production licence was made, an application for a greenhouse gas assessment permit was being considered by the responsible Commonwealth Minister; and
- (d) the Joint Authority is satisfied that it would be in the public interest to defer taking any action under section 171 or 173 in relation to the application for the grant of the petroleum production licence until the application for the greenhouse gas assessment permit is finalised.

Deferral

- (2) The Joint Authority must not take any action under section 171 or 173 in relation to the application for the grant of the petroleum production licence until 24 hours after whichever of the following events happens first:
 - (a) the responsible Commonwealth Minister grants a greenhouse gas assessment permit to the applicant for the permit;
 - (b) the application for the greenhouse gas assessment permit lapses;
 - (c) the responsible Commonwealth Minister refuses to grant a greenhouse gas assessment permit to the applicant for the permit.

175 Grant of petroleum production licence

If:

- (a) an applicant has been given an offer document under section 171; and
- (b) the applicant has made a request under section 260 in relation to the offer document within the period applicable under that section;

the Joint Authority must grant the applicant a petroleum production licence over the block or blocks as to which the Joint Authority is satisfied as mentioned in paragraph 171(1)(b).

Chapter 2 Regulation of activities relating to petroleum

Part 2.4 Petroleum production licences

Division 2 Obtaining a petroleum production licence as a result of an application made by a petroleum exploration permittee or a petroleum retention lessee

Section 176

- Note 1: If the applicant does not make a request under section 260 within the period applicable under that section, the application lapses at the end of that period—see subsection 260(4).
- Note 2: If an application made by a petroleum exploration permittee in relation to a block lapses, the petroleum exploration permit is revoked to the extent to which it relates to that block—see section 188 or clause 8 of Schedule 4.
- Note 3: If an application made by a petroleum retention lessee in relation to a block lapses, the petroleum retention lease is revoked to the extent to which it relates to that block—see section 188 or clause 8 of Schedule 4.

176 Petroleum exploration permit or petroleum retention lease ceases to be in force when petroleum production licence comes into force

When a petroleum production licence under section 175 comes into force in relation to one or more blocks, a petroleum exploration permit or petroleum retention lease ceases to be in force to the extent to which it relates to those blocks.

177 Petroleum exploration permit or petroleum retention lease transferred—transferee to be treated as applicant

Scope

- (1) This section applies if a transfer of a petroleum exploration permit or petroleum retention lease is registered under section 479:
- (a) after an application has been made:
- (i) under section 168 or clause 2 of Schedule 4 for the grant of a petroleum production licence over a block in relation to which the petroleum exploration permit is in force; or
- (ii) under section 170 or clause 4 of Schedule 4 for the grant of a petroleum production licence over a block in relation to which the petroleum retention lease is in force; and

- (b) before any action has been taken by the Joint Authority under section 171 or 173 in relation to the application.

Transferee to be treated as applicant

- (2) After the transfer:
- (a) in the case of an application under section 168—that section has effect in relation to the application as if any reference in subsection (3) of that section to the applicant were a reference to the transferee; and
 - (b) if the Royalty Act applies to the permit or lease—subsection 6(2) of the Royalty Act has effect in relation to the application as if any reference in that subsection to a person who has applied or applies for such a petroleum production licence were a reference to the transferee; and
 - (c) in all cases—sections 171 and 175 and Part 2.10 of this Act have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Division 3—Obtaining a cash-bid petroleum production licence over a surrendered block or similar block

178 Application for cash-bid petroleum production licence over surrendered blocks or similar blocks

Invitation to apply for a cash-bid petroleum production licence

- (1) If:
- (a) a petroleum production licence is surrendered or cancelled to the extent to which it relates to a block; or
 - (b) a petroleum production licence is terminated to the extent to which it relates to a block; or
 - (c) a petroleum exploration permit or petroleum retention lease is surrendered, cancelled or revoked to the extent to which it relates to a block:
 - (i) that, at the time of the surrender, cancellation or revocation, was, or was included in, a location; and
 - (ii) in which, in the opinion of the Joint Authority, there is petroleum;
- the Joint Authority may, at any later time, by notice published in the *Gazette*:
- (d) invite applications for the grant by the Joint Authority of a petroleum production licence over that block; and
 - (e) specify a period within which applications may be made.
- (2) A notice under subsection (1) must state that an applicant is required to specify an amount that the applicant would be prepared to pay for the grant of the licence.

Application for cash-bid petroleum production licence

- (3) An application under this section must:

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- (a) be accompanied by details of the applicant's proposals for work and expenditure in relation to the area comprised in the block; and
- (b) specify the amount that the applicant would be prepared to pay for the grant of the licence.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

Deposit

- (4) An application under this section must be accompanied by a deposit of 10% of the amount that the applicant has specified under paragraph (3)(b).

Refund of deposit

- (5) If the petroleum production licence is not granted, the deposit must be refunded to the applicant.
- (6) Subsection (5) does not apply if:
 - (a) the applicant has been given an offer document under subsection 179(2) or 180(3) in relation to the application; and
 - (b) the applicant does not, under section 260, request the grant of the petroleum production licence.

179 Grant of cash-bid petroleum production licence—only one application

Scope

- (1) This section applies if:
 - (a) the Joint Authority publishes a notice under subsection 178(1) inviting applications for the grant of a petroleum production licence over a block; and

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- (b) at the end of the period specified in the notice, only one application has been made under section 178 in relation to the block.

Offer document

- (2) The Joint Authority may:
 - (a) give the applicant a written notice (called an *offer document*) telling the applicant that the Joint Authority is prepared to grant the applicant a petroleum production licence over that block; or
 - (b) by written notice given to the applicant, reject the application.

Note 1: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document—see subsection 258(3).

180 Grant of cash-bid petroleum production licence—2 or more applications

Scope

- (1) This section applies if:
 - (a) the Joint Authority publishes a notice under subsection 178(1) inviting applications for the grant of a petroleum production licence over a block; and
 - (b) at the end of the period specified in the notice, 2 or more applications have been made under section 178 in relation to the block.

Rejection of applications

- (2) The Joint Authority may reject any or all of the applications.

Unrejected applications

- (3) If the Joint Authority does not reject all of the applications, the table has effect:

Unrejected applications		
Item	If...	the Joint Authority may give a written notice (called an <i>offer document</i>) to...
1	only one application remains unrejected	the applicant.
2	(a) 2 or more applications remain unrejected; and (b) the amounts specified in the applications under paragraph 178(3)(b) are equal	one of those applicants.
3	(a) 2 or more applications remain unrejected; and (b) the amounts specified in the applications under paragraph 178(3)(b) are not equal; and (c) the amount specified in one of the applications is higher than the amount or amounts specified in the remaining application or applications	whichever of those applicants specified the highest amount.

Chapter 2 Regulation of activities relating to petroleum

Part 2.4 Petroleum production licences

Division 3 Obtaining a cash-bid petroleum production licence over a surrendered block or similar block

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Unrejected applications		
Item	If...	the Joint Authority may give a written notice (called an <i>offer document</i>) to...
4	(a) 3 or more applications remain unrejected; and (b) 2 or more of the amounts specified in the applications under paragraph 178(3)(b) are: (i) equal; and (ii) higher than the amount or amounts specified in the remaining application or applications	one of the applicants who specified the equal highest amount.

- (4) An offer document given to an applicant must tell the applicant that the Joint Authority is prepared to grant the applicant a petroleum production licence over the block.

Note 1: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document—see subsection 258(3).

Lapsed applications

- (5) If:
- (a) an applicant is given an offer document under this section; and
 - (b) the application lapses as provided by section 260 or 261; and
 - (c) there are one or more remaining unrejected applications;
- subsections (3) and (4) of this section apply in relation to the remaining unrejected applications.

Unsuccessful applications

- (6) If the Joint Authority does not give an offer document to an applicant, the Joint Authority must, by written notice given to the applicant, inform the applicant that the application was unsuccessful.

181 Grant of cash-bid petroleum production licence

- (1) If:
- (a) an applicant has been given an offer document under section 179 or 180; and
 - (b) the applicant has made a request under section 260 in relation to the offer document within the period applicable under that section; and
 - (c) in the case of an offer document under section 180—the applicant has paid the specified balance within the period applicable under section 261;
- the Joint Authority must grant the applicant a petroleum production licence over the block specified in the offer document.

Note 1: If the applicant does not make a request under section 260 within the period applicable under that section, the application lapses at the end of that period—see subsection 260(4).

Note 2: In the case of an offer document under section 180, if the applicant has not paid the specified balance within the period applicable under section 261, the application lapses at the end of that period—see subsection 261(2).

- (2) For the purposes of this section, the *specified balance* is the balance specified in the offer document as the balance of the amount that the applicant must pay for the grant of the petroleum production licence.

Division 4—Obtaining petroleum production licences over individual blocks

182 Applications for petroleum production licences over individual blocks

Scope

- (1) This section applies to a petroleum production licence (the ***initial petroleum production licence***) if:
- (a) the licence is in force over 2 or more blocks; and
 - (b) the blocks do not form a location or part of a location.

Application for petroleum production licence

- (2) The licensee of the initial petroleum production licence may apply to the Joint Authority for the grant of 2 or more new petroleum production licences over the blocks that were the subject of the initial petroleum production licence, in exchange for the initial petroleum production licence.
- (3) An application under this section:
- (a) must specify the number of new petroleum production licences required; and
 - (b) must specify the block or blocks that were the subject of the initial petroleum production licence and for which each new petroleum production licence is sought.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

183 Grant of petroleum production licences over individual blocks

Scope

- (1) This section applies if a licensee of an initial petroleum production licence mentioned in section 182 has made an application under that section.

Grant of petroleum production licence

- (2) The Joint Authority must grant the licensee new petroleum production licences in accordance with the application.

Duration of new petroleum production licence

- (3) If the initial petroleum production licence is a fixed-term petroleum production licence, a new petroleum production licence granted under this section remains in force for the remainder of the term of the initial petroleum production licence.
- (4) If the initial petroleum production licence is a life-of-field petroleum production licence, a new petroleum production licence granted under this section remains in force indefinitely.
- (5) Subsections (3) and (4) have effect subject to this Chapter but despite section 165.

Note: See the notes at the end of section 165.

Conditions of new petroleum production licence

- (6) A new petroleum production licence under this section must be granted subject to conditions corresponding as closely as practicable to the conditions to which the initial petroleum production licence was subject.

Revocation of initial petroleum production licence

- (7) If new petroleum production licences are granted under this section:
- (a) the initial petroleum production licence is revoked; and

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- (b) the revocation has effect on the day on which those new licences come into force.

Time limit for making decision

- (8) The Joint Authority must make a decision under subsection (2) within the period that:
 - (a) begins when the application was made; and
 - (b) runs for:
 - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
 - (ii) if no such agreement is in force—the prescribed number of days.
- (9) The Joint Authority is not required to comply with subsection (8) unless a number of days is prescribed for the purposes of subparagraph (8)(b)(ii).
- (10) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (8)(b)(i).
- (11) A failure to comply with subsection (8) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

Division 4A—Obtaining a petroleum production licence as a result of a change to the boundary of the coastal waters of a State or Territory

183A Grant of petroleum production licence as a result of a change to the boundary of the coastal waters of a State or Territory

Scope

- (1) This section applies if:
- (a) a fixed-term State/Territory petroleum production title has been granted by a State or the Northern Territory on the basis that an area (the **relevant area**) is within the coastal waters of the State or Territory; and
 - (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceases to be within the coastal waters of the State or Territory; and
 - (ii) falls within the offshore area of the State or Territory; and
 - (c) either:
 - (i) the conditions set out in subsection (2) are satisfied; or
 - (ii) the conditions set out in subsection (3) are satisfied; and
 - (d) there are one or more section 33 blocks (the **relevant section 33 blocks**) that:
 - (i) correspond to the section 33 blocks that were covered by the fixed-term State/Territory petroleum production title immediately before the change; and
 - (ii) are in the offshore area of the State or Territory; and
 - (iii) are not the subject of a variation under section 267A.
- (2) The conditions mentioned in subparagraph (1)(c)(i) are:

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Division 4A Obtaining a petroleum production licence as a result of a change to the boundary of the coastal waters of a State or Territory

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- (a) one or more, but not all, of the section 33 blocks that were covered by the fixed-term State/Territory petroleum production title immediately before the change are in the relevant area; and
 - (b) the title subsequently ceases to be in force at the same time (the *relevant time*):
 - (i) as to all of the section 33 blocks that were covered by the title immediately before the change and that are in the coastal waters of the State or Territory; and
 - (ii) otherwise than as the result of the cancellation or surrender of the title.
- (3) The conditions mentioned in subparagraph (1)(c)(ii) are:
- (a) all of the section 33 blocks that were covered by the fixed-term State/Territory petroleum production title immediately before the change are in the relevant area; and
 - (b) the title subsequently ceases to be in force at the same time (the *relevant time*):
 - (i) as to all of the section 33 blocks that were covered by the title immediately before the change; and
 - (ii) otherwise than as the result of the cancellation or surrender of the title.

Grant of licence

- (4) The Joint Authority is taken:
- (a) to have granted the holder of the fixed-term State/Territory petroleum production title a petroleum production licence over the relevant section 33 blocks; and
 - (b) to have done so immediately after the relevant time mentioned in whichever of subsection (2) or (3) is applicable.

Note: For the duration of the petroleum production licence, see item 5 of the table in subsection 165(1).

Deemed section 33 block

- (5) If, after the change to the boundary of the coastal waters of the State or Territory:
- (a) a part of a section 33 block that was covered by the fixed-term State/Territory petroleum production title immediately before the change is in the coastal waters of the State or Territory; and
 - (b) the remaining part of the section 33 block is in the offshore area of the State or Territory;
- then, for the purposes of this section (other than this subsection), each of those parts is taken to constitute, and to have always constituted, a section 33 block.

Definitions

- (6) In this section:

section 33 block means:

- (a) a block constituted as provided by section 33; or
- (b) if a graticular section is wholly within the area that was covered by the fixed-term State/Territory petroleum production title—the graticular section; or
- (c) if a part only of a graticular section is within the area that was covered by the fixed-term State/Territory petroleum production title—that part of the graticular section.

Note: See also subsection (5).

Division 5—Renewal of fixed-term petroleum production licences

184 Application for renewal of fixed-term petroleum production licence

Scope

- (1) This section applies to a fixed-term petroleum production licence.

Application for renewal

- (2) A petroleum production licensee may apply to the Titles Administrator for the renewal by the Joint Authority of the licence.
- (3) An application to renew a petroleum production licence must be made at least 180 days before the expiry date of the licence.
- (4) Despite subsection (3), the Titles Administrator may accept an application to renew a petroleum production licence if the application is made:
- (a) later than 180 days before the expiry date of the licence; and
 - (b) before the expiry date of the licence.

Proposals for work and expenditure

- (5) An application to renew a petroleum production licence must be accompanied by details of the licensee's proposals for work and expenditure in relation to the licence area.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Extension of duration of petroleum production licence pending decision on application

- (6) If:

- (a) a petroleum production licensee makes an application to renew the licence; and
 - (b) the licence would, apart from this subsection, expire:
 - (i) before the Joint Authority grants, or refuses to grant, the renewal of the licence; or
 - (ii) before the application lapses as provided by section 260;
- the licence continues in force:
- (c) until the Joint Authority grants, or refuses to grant, the renewal of the licence; or
 - (d) until the application so lapses;
- whichever happens first.
- (7) Subsection (6) has effect subject to this Chapter but despite section 165.

Note: See the notes at the end of section 165.

Licences granted under section 183A

- (8) If:
- (a) the grant of a petroleum production licence under section 183A is consequential on a fixed-term State/Territory petroleum production title ceasing to be in force as mentioned in paragraph 183A(2)(b) or (3)(b); and
 - (b) the fixed-term State/Territory petroleum production title was granted otherwise than by way of renewal;
- an application must not be made for the renewal of the licence if the Joint Authority has previously granted a renewal of the licence.
- (9) If:
- (a) the grant of a petroleum production licence under section 183A is consequential on a fixed-term State/Territory petroleum production title ceasing to be in force as mentioned in paragraph 183A(2)(b) or (3)(b); and
 - (b) the fixed-term State/Territory petroleum production title was granted by way of renewal;
- an application must not be made for the renewal of the licence.

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185 Renewal of fixed-term petroleum production licence—offer document

Scope

- (1) This section applies if an application to renew a fixed-term petroleum production licence has been made under section 184.

Offer document—compliance with conditions etc., first renewal

- (2) If:
- (a) each of the following has been complied with:
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject;
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1;
 - (iii) the regulations; and
 - (b) the application is for the first renewal of the petroleum production licence;

the Joint Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to renew the licence.

Note: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Offer document—compliance with conditions etc., second renewal, recovery of petroleum

- (3) If:
- (a) each of the following has been complied with:
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject;
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1;
 - (iii) the regulations; and
 - (b) both:

- (i) the application is for the second renewal of the petroleum production licence; and
- (ii) petroleum recovery operations have been carried on in the licence area within 5 years before the application for the renewal was made;

the Joint Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to renew the licence.

Note: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Offer document—non-compliance with conditions etc., sufficient grounds to warrant renewal

- (4) If:
- (a) any of:
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1; or
 - (iii) the provisions of the regulations; have not been complied with; and
 - (b) the Joint Authority is satisfied that there are sufficient grounds to warrant the renewal of the petroleum production licence;

the Joint Authority may give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to renew the licence.

Note: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

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186 Refusal to renew fixed-term petroleum production licence

Scope

- (1) This section applies if an application to renew a fixed-term petroleum production licence has been made under section 184.

Refusal on grounds of non-compliance with conditions

- (2) If:
- (a) any of:
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1; or
 - (iii) the provisions of the regulations; have not been complied with; and
 - (b) the Joint Authority is not satisfied that there are sufficient grounds to warrant the renewal of the petroleum production licence;

the Joint Authority must, by written notice given to the applicant, refuse to renew the licence.

Note: Consultation procedures apply—see section 262.

Refusal on grounds of inactivity

- (3) If:
- (a) the application relates to a renewal other than the first renewal; and
 - (b) no petroleum recovery operations have been carried on in the licence area within 5 years before the application for the renewal was made;

the Joint Authority may, by written notice given to the applicant, refuse to renew the licence.

186A Time limit for making decision about renewal of fixed-term petroleum production licence

- (1) The Joint Authority must make a decision under section 185 or 186, in relation to an application under section 184, within the period that:
 - (a) begins when the application was made; and
 - (b) runs for:
 - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
 - (ii) if no such agreement is in force—the prescribed number of days.
- (2) The Joint Authority is not required to comply with subsection (1) unless a number of days is prescribed for the purposes of subparagraph (1)(b)(ii).
- (3) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (1)(b)(i).
- (4) A failure to comply with subsection (1) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

187 Renewal of fixed-term petroleum production licence

If:

- (a) an applicant has been given an offer document under section 185; and
- (b) the applicant has made a request under section 260 in relation to the offer document within the period applicable under that section;

the Joint Authority must renew the petroleum production licence.

Note: If the applicant does not make a request under section 260 within the period applicable under that section, the application lapses at the end of that period—see subsection 260(4).

Division 6—What happens if a block is not taken up

188 Revocation of petroleum exploration permit or petroleum retention lease to the extent to which it relates to a block not taken up

Permittee does not apply for a petroleum production licence or a petroleum retention lease

(1) If:

- (a) a petroleum exploration permittee could apply under section 168 for a petroleum production licence in relation to a block or blocks; and
- (b) the permittee does not:
 - (i) within the application period mentioned in subsection 169(1), make the application; or
 - (ii) within the application period mentioned in subsection 141(3), apply under section 141 for a petroleum retention lease;

then:

- (c) the petroleum exploration permit is revoked to the extent to which it relates to that block or those blocks; and
- (d) the revocation has effect at the end of whichever is the later of the application periods mentioned in paragraph (b).

Permittee does not apply for a petroleum production licence

(1A) If:

- (a) a petroleum exploration permittee applies under section 141 for a petroleum retention lease in relation to a block or blocks; and
- (b) a notice refusing to grant the petroleum retention lease is given to the permittee under section 143; and

- (c) the reason for the refusal is that the Joint Authority is not satisfied as to the matter referred to in subparagraph 142(b)(ii); and
- (d) after the section 143 notice is given, the permittee does not, within the application period mentioned in subsection 169(3), apply under section 168 for a petroleum production licence in relation to that block or those blocks;

then:

- (e) the petroleum exploration permit is revoked to the extent to which it relates to that block or those blocks; and
- (f) the revocation has effect at the end of the application period mentioned in subsection 169(3).

Permittee's application lapses

- (2) If an application made by a petroleum exploration permittee under section 168 in relation to a block or blocks lapses:
 - (a) the petroleum exploration permit is revoked to the extent to which it relates to that block or those blocks; and
 - (b) the revocation has effect:
 - (i) at the end of the application period; or
 - (ii) on the lapsing of the application;whichever is the later.

Note: For lapsing of applications, see section 260.

Lessee's application lapses

- (3) If an application made by a petroleum retention lessee under section 170 in relation to a block or blocks lapses:
 - (a) the petroleum retention lease is revoked to the extent to which it relates to that block or those blocks; and
 - (b) the revocation has effect on the lapsing of the application.

Note 1: For lapsing of applications, see section 260.

Note 2: See also subsection 132(3) (revocation of declaration of location where block is no longer the subject of a petroleum exploration permit or a petroleum retention lease).

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Exception—permit affected by a change to the boundary of the coastal waters of a State or Territory

- (4) This section does not apply in relation to a petroleum exploration permit if:
- (a) the permit has been granted on the basis that an area (the **relevant area**) is within the offshore area of a State or the Northern Territory; and
 - (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceases to be within the offshore area of the State or Territory; and
 - (ii) falls within the coastal waters of the State or Territory; and
 - (c) immediately before the change, the relevant area was a part of the permit area.
- (5) For the purposes of subsection (4):
- (a) disregard section 283; and
 - (b) it is immaterial whether the change occurred before, at or after the commencement of this subsection.

Division 7—Petroleum field development

Subdivision A—Directions about the recovery of petroleum

189 Direction to recover petroleum

Initial direction

- (1) If:
- (a) petroleum is not being recovered in a petroleum production licence area; and
 - (b) the Joint Authority is satisfied that there is recoverable petroleum in that area;
- the Joint Authority may, by written notice given to the licensee, direct the licensee to take all necessary and practicable steps to recover that petroleum.

Further direction

- (2) If:
- (a) a direction is in force under subsection (1) in relation to a licensee; and
 - (b) the Joint Authority is not satisfied with the steps taken or being taken by the licensee;
- the Joint Authority may, by written notice given to the licensee, direct the licensee to take such steps as the Joint Authority thinks necessary and practicable for, or in relation to, the recovery of petroleum in the licence area.

190 Directions about the rate of recovery of petroleum

Initial direction

- (1) If petroleum is being recovered in a petroleum production licence area, the Joint Authority may, by written notice given to the licensee, direct the licensee to take all necessary and practicable

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steps to increase or reduce the rate at which petroleum is being recovered:

- (a) in the licence area; or
 - (b) from a petroleum pool in the licence area;
- to the rate specified in the notice.

Further direction

(2) If:

- (a) a direction is in force under subsection (1) in relation to a licensee; and
- (b) the Joint Authority is not satisfied with the steps taken or being taken by the licensee;

the Joint Authority may, by written notice given to the licensee, give the licensee such directions as the Joint Authority thinks necessary and practicable for, or in relation to, the increase or reduction of the rate at which petroleum is being recovered:

- (c) in the licence area; or
- (d) from a petroleum pool in the licence area.

Matters to be taken into account

- (3) In deciding whether to give a direction under this section, the Joint Authority may take into account matters relating to the effects on Commonwealth revenue of the proposed direction.
- (4) Subsection (3) does not limit the matters that may be taken into account.

Good oilfield practice

- (5) The Joint Authority must not give a direction under this section if the direction would require action to be taken that is contrary to good oilfield practice.

Subdivision B—Unit development**191 Unit development***Meaning of unit development*

- (1) In this section, the expression ***unit development***:
- (a) applies in relation to a petroleum pool (other than either of the Greater Sunrise unit reservoirs) that is partly in a particular licence area of a licensee of a petroleum production licence and partly in:
 - (i) the licence area of another licensee of a petroleum production licence; or
 - (ii) an area that is not within an offshore area but in which a person other than the first-mentioned licensee is lawfully entitled to carry on petroleum recovery operations from the pool; and
 - (b) means the carrying on of petroleum recovery operations from that pool under cooperative arrangements between the persons entitled to carry on such operations in each of those areas.

Unit development agreement

- (2) A licensee of a petroleum production licence may from time to time enter into a written agreement for, or in relation to, the unit development of a petroleum pool, but nothing in this subsection derogates from the operation of section 487.

Direction to enter into unit development agreement

- (3) The Joint Authority, on the Joint Authority's own initiative or on application made to the Joint Authority in writing by:
- (a) a licensee of a petroleum production licence in whose licence area there is a part of a particular petroleum pool; or
 - (b) a person who is lawfully entitled to carry on petroleum recovery operations in an area outside the offshore area that

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includes part of a particular petroleum pool that extends into the offshore area;

may, for the purpose of securing the more effective recovery of petroleum from the petroleum pool, direct any licensee of a petroleum production licence whose licence area includes part of the petroleum pool, by written notice given to the licensee, to:

- (c) enter into a written agreement, within the period specified in the notice, for, or in relation to, the unit development of the petroleum pool; and
- (d) lodge an application in accordance with section 488 for approval of any dealing to which the agreement relates.

Unit development scheme

(4) If:

- (a) a licensee of a petroleum production licence who is directed under subsection (3) to enter into an agreement for, or in relation to, the unit development of a petroleum pool does not enter into such an agreement within the specified period; or
- (b) the licensee enters into such an agreement, but:
 - (i) an application for approval of a dealing to which the agreement relates is not lodged with the Titles Administrator; or
 - (ii) if an application is so lodged—the dealing is not approved under section 493;

the Joint Authority may, by written notice given to the licensee, direct the licensee to submit to the Joint Authority, within the period specified in the notice, a scheme for, or in relation to, the unit development of the petroleum pool.

Directions

- (5) At any time after the end of the period within which a scheme for, or in relation to, the unit development of a petroleum pool is to be submitted by a licensee under subsection (4), the Joint Authority may, by written notice given to the licensee, give to the licensee

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such directions as the Joint Authority thinks necessary for the purpose of securing the more effective recovery of petroleum from the petroleum pool.

- (6) If a person is the licensee of petroleum production licences in relation to 2 or more licence areas in each of which there is part of a particular petroleum pool, the Joint Authority may, by written notice given to the licensee, give to the licensee such directions as the Joint Authority thinks necessary for the purpose of securing the more effective recovery of petroleum from the petroleum pool.
- (7) If:
- (a) an agreement under this section is in force; or
 - (b) the Joint Authority has given directions under subsection (5) or (6);
- the Joint Authority may, having regard to additional information that has become available, by written notice given to the licensee or licensees concerned, give to the licensee or licensees such directions, or further directions, as the case may be, as the Joint Authority thinks necessary for the purpose of securing the more effective recovery of petroleum from the petroleum pool.
- (8) The Joint Authority must not give a direction under subsection (6) or (7) unless the Titles Administrator has given to the licensee or licensees concerned an opportunity to confer with the Titles Administrator about the proposed direction.
- (9) Directions under subsection (5), (6) or (7) may include directions as to the rate at which petroleum is to be recovered.

Definition

- (10) In this section:

dealing means a dealing to which Part 4.6 applies.

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Consultation

- (11) If a petroleum pool extends, or is reasonably believed by the Titles Administrator to extend, from the offshore area in respect of a State or Territory into lands to which:
- (a) the laws of that State or Territory relating to exploiting petroleum resources apply; or
 - (b) the laws of another State or Territory relating to exploiting petroleum resources apply;
- the Titles Administrator must consult about exploiting the petroleum pool with the appropriate authority of a State or Territory referred to in paragraph (a) or (b).

Note: The *offshore area* of a State or Territory is defined by section 8.

Approval

- (12) If subsection (11) applies in relation to a petroleum pool, a Joint Authority must not:
- (a) approve an agreement under this section; or
 - (b) give a direction under this section;
- in relation to that petroleum pool except with the approval of any other Joint Authority concerned and any State or Territory authority concerned.

Part 2.5—Infrastructure licences

Division 1—General provisions

192 Simplified outline

The following is a simplified outline of this Part:

- It is an offence to construct or operate an infrastructure facility in an offshore area except:
 - (a) under an infrastructure licence; or
 - (b) as otherwise authorised or required by or under this Act.
- This Part provides for the grant of infrastructure licences.
- An infrastructure licence authorises the licensee to construct and operate an infrastructure facility in the licence area. An infrastructure facility may relate to petroleum or a greenhouse gas substance.

193 Prohibition of unauthorised construction or operation of an infrastructure facility in an offshore area

- (1) A person commits an offence if:
- (a) the person:
 - (i) starts to construct or reconstruct an infrastructure facility; or
 - (ii) continues to construct or reconstruct an infrastructure facility; or
 - (iii) starts to alter an infrastructure facility; or
 - (iv) continues to alter an infrastructure facility; or
 - (v) operates an infrastructure facility; and

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- (b) the person's conduct occurs in an offshore area.

Penalty: Imprisonment for 5 years.

- (2) Subsection (1) does not apply if the conduct is:
 - (a) authorised by an infrastructure licence; or
 - (b) otherwise authorised or required by or under this Act.

Note: The defendant bears an evidential burden in relation to the matter in subsection (2)—see subsection 13.3(3) of the *Criminal Code*.

194 Rights conferred by an infrastructure licence

- (1) An infrastructure licence authorises the licensee, in accordance with the conditions (if any) to which the licence is subject:
 - (a) in the case of an infrastructure licence granted before the commencement of this section:
 - (i) to construct infrastructure facilities in the licence area; and
 - (ii) to operate infrastructure facilities in the licence area; so long as those facilities are for engaging in:
 - (iii) a subsection 15(2) activity; or
 - (iv) a subsection 15(3) activity specified in the licence as the result of a variation under section 205; or
 - (b) in the case of an infrastructure licence granted after the commencement of this section:
 - (i) to construct infrastructure facilities in the licence area; and
 - (ii) to operate infrastructure facilities in the licence area; so long as those facilities are for engaging in:
 - (iii) a subsection 15(2) activity specified in the licence; or
 - (iv) a subsection 15(3) activity specified in the licence.
- (2) The rights conferred on the licensee by subsection (1) are subject to this Act and the regulations.
- (3) To avoid doubt, the grant of an infrastructure licence is not a precondition to doing anything that could be authorised by a

petroleum exploration permit, petroleum retention lease, petroleum production licence or pipeline licence.

195 Conditions of infrastructure licences

- (1) The Joint Authority may grant an infrastructure licence subject to whatever conditions the Joint Authority thinks appropriate.
- (2) The conditions (if any) must be specified in the licence.
- (3) An infrastructure licence is subject to the condition that, if:
 - (a) regulations are made for the purpose of subsection (4); and
 - (b) those regulations impose requirements on the licensee;the licensee will comply with those requirements.
- (4) The regulations may establish a regime for third party access to services provided by means of the use of an infrastructure facility that is for engaging in any of the activities to which subsection 15(3) applies.

Note: Subsection 15(3) applies to certain greenhouse gas activities.

- (5) Despite subsection (2), the condition mentioned in subsection (3) does not need to be specified in the licence.

196 Duration of infrastructure licence

- (1) An infrastructure licence remains in force indefinitely.
- (2) Subsection (1) has effect subject to this Chapter.

Note 1: For the surrender of an infrastructure licence, see Part 2.12.

Note 2: For the cancellation of an infrastructure licence, see Part 2.13.

Note 3: For the termination of an infrastructure licence if there have been no operations for 5 years, see section 197.

197 Termination of infrastructure licence if no operations for 5 years

Termination of licence

- (1) If an infrastructure licence is in force, and the licensee:
- (a) has not carried out any construction work under the licence at any time during a continuous period of at least 5 years; and
 - (b) has not used the infrastructure facilities constructed under the licence at any time during a continuous period of at least 5 years;

the Joint Authority may, by written notice given to the licensee, tell the licensee that the Joint Authority proposes to terminate the infrastructure licence after the end of 30 days after the notice is given.

- (2) At any time after the end of 30 days after the notice referred to in subsection (1) is given to the licensee, the Joint Authority may, by written notice given to the licensee, terminate the infrastructure licence.

Note: For remedial directions following termination, see section 587 or 587A.

- (3) In working out, for the purposes of subsection (1):
- (a) the period in which an infrastructure licensee did not carry out any construction work under the licence; or
 - (b) the period in which an infrastructure licensee did not use the infrastructure facilities constructed under the licence;
- disregard any period in which construction work was not carried out, or the infrastructure facilities were not used, as the case may be, because of circumstances beyond the licensee's control.

- (4) For the purposes of subsection (3), the depletion of recoverable petroleum is not a circumstance beyond the licensee's control.

Note: See also section 780 (compensation for acquisition of property).

Consultation

- (5) The Joint Authority may give a copy of a notice under subsection (1) to such other persons (if any) as the Joint Authority thinks fit.
- (6) A notice under subsection (1) must:
 - (a) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Joint Authority about the proposal to terminate the licence; and
 - (b) specify a time limit for making that submission.

Note: All communications to the Joint Authority are to be made through the Titles Administrator—see section 63.

- (7) In deciding whether to terminate the licence, the Joint Authority must take into account any submissions made in accordance with the notice.

Division 2—Obtaining an infrastructure licence

198 Application for infrastructure licence

- (1) A person may apply to the Titles Administrator for the grant by the Joint Authority of an infrastructure licence.

Details

- (2) An application under this section must be accompanied by details of the applicant's proposals for the construction and operation of infrastructure facilities at a place that is:
 - (a) in an offshore area; and
 - (b) described in the application.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

199 Grant of infrastructure licence—offer document

If an application for the grant of an infrastructure licence has been made under section 198, the Joint Authority may give the applicant a written notice (called an ***offer document***) telling the applicant the Joint Authority is prepared to grant the applicant an infrastructure licence in relation to the place described in the application.

Note 1: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document—see subsection 258(3).

Note 3: For consultation procedures, see sections 202 and 203.

200 Refusal to grant infrastructure licence

If:

- (a) an application for the grant of an infrastructure licence has been made under section 198; and
- (b) the Joint Authority decides not to give the applicant an offer document under section 199;

the Joint Authority must, by written notice given to the applicant, refuse to grant the infrastructure licence.

200A Time limit for making decision about grant of infrastructure licence

- (1) The Joint Authority must make a decision under section 199 or 200, in relation to an application under section 198, within the period that:
 - (a) begins when the application was made; and
 - (b) runs for:
 - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
 - (ii) if no such agreement is in force—the prescribed number of days.
- (2) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (1) of this section is extended by one day for each day during the period:
 - (a) beginning on the day on which the notice is given; and
 - (b) ending when the applicant gives the Titles Administrator the information.
- (3) The Joint Authority is not required to comply with subsection (1) unless a number of days is prescribed for the purposes of subparagraph (1)(b)(ii).

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- (4) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (1)(b)(i).
- (5) A failure to comply with subsection (1) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

201 Grant of infrastructure licence

If:

- (a) an applicant has been given an offer document under section 199; and
- (b) the applicant has made a request under section 260 in relation to the offer document within the period applicable under that section;

the Joint Authority must grant the applicant the infrastructure licence concerned.

Note: If the applicant does not make a request under section 260 within the period applicable under that section, the application lapses at the end of that period—see subsection 260(4).

202 Consultation with petroleum titleholders—grant of infrastructure licence

Scope

- (1) This section applies if:
 - (a) an application for an infrastructure licence (the ***proposed infrastructure licence***) has been made under section 198 in relation to a place in a block; and
 - (b) the block:
 - (i) is the subject of a petroleum exploration permit, petroleum retention lease or petroleum production licence; or
 - (ii) is, or is proposed to be, transected by a pipeline in accordance with the provisions of a pipeline licence; or

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- (iii) includes the whole or a part of a place that is the subject of another infrastructure licence; or
- (iv) is the subject of a petroleum special prospecting authority or petroleum access authority; and
- (c) the applicant is not the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence, pipeline licence, other infrastructure licence, petroleum special prospecting authority or petroleum access authority; and
- (d) if subparagraph (b)(i), (ii) or (iii) applies—the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence, pipeline licence or other infrastructure licence has not given written consent to the grant of the proposed infrastructure licence; and
- (e) if subparagraph (b)(iv) applies:
 - (i) the registered holder of the petroleum special prospecting authority or petroleum access authority has not given written consent to the grant of the proposed infrastructure licence; or
 - (ii) the petroleum special prospecting authority or petroleum access authority will not expire before any construction or operation of infrastructure facilities under the proposed infrastructure licence would occur.

Consultation

- (2) Before the Joint Authority gives the applicant an offer document under section 199, the Joint Authority must:
 - (a) by written notice given to the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence, pipeline licence, other infrastructure licence, petroleum special prospecting authority or petroleum access authority, give at least 30 days notice of the Joint Authority's proposal to give the applicant the offer document; and

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(b) give a copy of the notice to such other persons (if any) as the Joint Authority thinks fit.

(3) The notice must:

- (a) set out details of the proposed infrastructure licence; and
- (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Joint Authority about the proposal; and
- (c) specify a time limit for the making of that submission.

Note: All communications to the Joint Authority are to be made through the Titles Administrator—see section 63.

(4) In deciding:

- (a) whether to give the applicant the offer document; and
- (b) the conditions (if any) to which the proposed infrastructure licence should be subject;

the Joint Authority must take into account any submissions made in accordance with the notice.

203 Consultation with greenhouse gas titleholders—grant of infrastructure licence

Scope

(1) This section applies if:

- (a) an application for an infrastructure licence (the ***proposed infrastructure licence***) has been made under section 198 in relation to a place in a block; and
- (b) the block:
 - (i) is the subject of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence; or
 - (ii) is the subject of a greenhouse gas search authority or greenhouse gas special authority; and
- (c) the applicant is not the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease,

greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority; and

- (d) if subparagraph (b)(i) applies—the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence has not given written consent to the grant of the proposed infrastructure licence; and
- (e) if subparagraph (b)(ii) applies:
 - (i) the registered holder of the greenhouse gas search authority or greenhouse gas special authority has not given written consent to the grant of the proposed infrastructure licence; or
 - (ii) the greenhouse gas search authority or greenhouse gas special authority will not expire before any construction or operation of infrastructure facilities under the proposed infrastructure licence would occur.

Consultation

- (2) Before the Joint Authority gives the applicant an offer document under section 199, the Joint Authority must:
 - (a) by written notice given to the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority, give at least 30 days notice of the Joint Authority's proposal to give the applicant the offer document; and
 - (b) give a copy of the notice to such other persons (if any) as the Joint Authority thinks fit.
- (3) The notice must:
 - (a) set out details of the proposed infrastructure licence; and
 - (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Joint Authority about the proposal; and
 - (c) specify a time limit for the making of that submission.

Chapter 2 Regulation of activities relating to petroleum

Part 2.5 Infrastructure licences

Division 2 Obtaining an infrastructure licence

Section 203

Note: All communications to the Joint Authority are to be made through the Titles Administrator—see section 63.

(4) In deciding:

- (a) whether to give the applicant the offer document; and
- (b) the conditions (if any) to which the proposed infrastructure licence should be subject;

the Joint Authority must take into account any submissions made in accordance with the notice.

Division 3—Varying an infrastructure licence

204 Application for variation of infrastructure licence

- (1) An infrastructure licensee may apply to the Titles Administrator for the variation by the Joint Authority of the licence.
- (2) An application under this section must:
 - (a) be accompanied by details of the proposed variation; and
 - (b) set out the reasons for the proposed variation.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

205 Variation of infrastructure licence

- (1) If an infrastructure licensee applies under section 204 for a variation of the licence, the Joint Authority may, by written notice given to the licensee:
 - (a) vary the licence to such extent as the Joint Authority thinks necessary; or
 - (b) refuse to vary the licence.

Note: For consultation procedures, see sections 206 and 207.

When variation takes effect

- (2) A variation of an infrastructure licence under this section takes effect on the day on which notice of the variation is published in the *Gazette*.

Note: For publication in the *Gazette* of notice of the variation, see section 708.

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Time limit for making decision

- (3) The Joint Authority must make a decision under subsection (1) within the period that:
- (a) begins when the application was made; and
 - (b) runs for:
 - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
 - (ii) if no such agreement is in force—the prescribed number of days.
- (4) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (3) of this section is extended by one day for each day during the period:
- (a) beginning on the day on which the notice is given; and
 - (b) ending when the applicant gives the Titles Administrator the information.
- (5) The Joint Authority is not required to comply with subsection (3) unless a number of days is prescribed for the purposes of subparagraph (3)(b)(ii).
- (6) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (3)(b)(i).
- (7) A failure to comply with subsection (3) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

206 Consultation with petroleum titleholders—variation of infrastructure licence*Scope*

- (1) This section applies if:
- (a) an infrastructure licence (the *first infrastructure licence*) relates to a place in a block; and
 - (b) an application for variation of the first infrastructure licence is made under section 204; and
 - (c) the block:
 - (i) is the subject of a petroleum exploration permit, petroleum retention lease or petroleum production licence; or
 - (ii) is, or is proposed to be, transected by a pipeline in accordance with the provisions of a pipeline licence; or
 - (iii) includes the whole or a part of a place that is the subject of another infrastructure licence; or
 - (iv) is the subject of a petroleum special prospecting authority or petroleum access authority; and
 - (d) the applicant is not the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence, pipeline licence, other infrastructure licence, petroleum special prospecting authority or petroleum access authority; and
 - (e) if subparagraph (c)(i), (ii) or (iii) applies—the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence, pipeline licence or other infrastructure licence has not given written consent to the variation of the first infrastructure licence; and
 - (f) if subparagraph (c)(iv) applies:
 - (i) the registered holder of the petroleum special prospecting authority or petroleum access authority has not given written consent to the variation of the first infrastructure licence; or

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- (ii) the petroleum special prospecting authority or petroleum access authority will not expire before any construction or operation of infrastructure facilities under the first infrastructure licence, as proposed to be varied, would occur.

Consultation

- (2) Before varying the first infrastructure licence, the Joint Authority must:
 - (a) by written notice given to the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence, pipeline licence, other infrastructure licence, petroleum special prospecting authority or petroleum access authority, give at least 30 days notice that the Joint Authority is considering the application; and
 - (b) give a copy of the notice to such other persons (if any) as the Joint Authority thinks fit.
 - (3) The notice must:
 - (a) set out details of the proposed variation; and
 - (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Joint Authority about the proposal; and
 - (c) specify a time limit for the making of that submission.
- Note: All communications to the Joint Authority are to be made through the Titles Administrator—see section 63.
- (4) In deciding whether to vary the first infrastructure licence, the Joint Authority must take into account any submissions made in accordance with the notice.

207 Consultation with greenhouse gas titleholders—variation of infrastructure licence*Scope*

- (1) This section applies if:
- (a) an infrastructure licence (the *first infrastructure licence*) relates to a place in a block; and
 - (b) an application for variation of the first infrastructure licence is made under section 204; and
 - (c) the block:
 - (i) is the subject of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence; or
 - (ii) is the subject of a greenhouse gas search authority or greenhouse gas special authority; and
 - (d) the applicant is not the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority; and
 - (e) if subparagraph (c)(i) applies—the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence has not given written consent to the variation of the first infrastructure licence; and
 - (f) if subparagraph (c)(ii) applies:
 - (i) the registered holder of the greenhouse gas search authority or greenhouse gas special authority has not given written consent to the variation of the first infrastructure licence; or
 - (ii) the greenhouse gas search authority or greenhouse gas special authority will not expire before any construction or operation of infrastructure facilities under the first infrastructure licence, as proposed to be varied, would occur.

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Consultation

- (2) Before varying the first infrastructure licence, the Joint Authority must:
- (a) by written notice given to the registered holder of the greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority, give at least 30 days notice that the Joint Authority is considering the application; and
 - (b) give a copy of the notice to such other persons (if any) as the Joint Authority thinks fit.
- (3) The notice must:
- (a) set out details of the proposed variation; and
 - (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Joint Authority about the proposal; and
 - (c) specify a time limit for the making of that submission.
- Note: All communications to the Joint Authority are to be made through the Titles Administrator—see section 63.
- (4) In deciding whether to vary the first infrastructure licence, the Joint Authority must take into account any submissions made in accordance with the notice.

Division 4—Directions by responsible Commonwealth Minister

208 Directions by responsible Commonwealth Minister

- (1) The responsible Commonwealth Minister may, by written notice given to the Joint Authority, give the Joint Authority a direction in relation to the exercise by the Joint Authority of a power conferred on the Joint Authority by this Part in relation to:
 - (a) a specified application for an infrastructure licence, where any of the infrastructure facilities to which the licence relates is an infrastructure facility as a result of subsection 15(3); or
 - (b) a specified infrastructure licence, where any of the infrastructure facilities to which the licence relates is an infrastructure facility as a result of subsection 15(3).
- (2) The Joint Authority must comply with a direction under subsection (1).
- (3) A direction under subsection (1) is not a legislative instrument.

Part 2.6—Pipeline licences

Division 1—General provisions

209 Simplified outline

The following is a simplified outline of this Part:

- It is an offence to construct or operate a pipeline in an offshore area without a pipeline licence.
- This Part provides for the grant of pipeline licences.
- A pipeline licence authorises the licensee to construct and operate a pipeline. A pipeline may be used to convey petroleum or a greenhouse gas substance.
- A pipeline licensee must not cease to operate the pipeline without the consent of the Joint Authority.

210 Prohibition of unauthorised construction or operation of a pipeline in an offshore area

General offence

- (1) A person commits an offence if:
- (a) the person:
 - (i) starts to construct or reconstruct a pipeline; or
 - (ii) continues to construct or reconstruct a pipeline; or
 - (iii) starts to alter a pipeline; or
 - (iv) continues to alter a pipeline; or
 - (v) operates a pipeline; and
 - (b) the person's conduct occurs in an offshore area.

Penalty: Imprisonment for 5 years.

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- (2) Subsection (1) does not apply to conduct that is authorised by a pipeline licence.

Note 1: The defendant bears an evidential burden in relation to the matter in subsection (2)—see subsection 13.3(3) of the *Criminal Code*.

Note 2: See also subsections (7) and (8) of this section.

Defences

- (7) Subsection (1) does not apply if:

- (a) in an emergency in which there is a likelihood of loss or injury; or
- (b) for the purpose of maintaining a pipeline in good order or repair;

the person engages in the conduct to avoid that loss or injury, or to maintain the pipeline in good order and repair, and the person:

- (c) as soon as practicable, notifies NOPSEMA and the Titles Administrator of the conduct; and
- (d) complies with any directions given to the person by NOPSEMA or the responsible Commonwealth Minister.

Note: The defendant bears an evidential burden in relation to the matter in subsection (7)—see subsection 13.3(3) of the *Criminal Code*.

- (8) Subsection (1) does not apply to anything done in compliance with a direction under:

- (a) this Act; or
- (b) the regulations.

Note: The defendant bears an evidential burden in relation to the matter in subsection (8)—see subsection 13.3(3) of the *Criminal Code*.

211 Rights conferred by pipeline licence

- (1) A pipeline licence authorises the licensee, in accordance with the conditions (if any) to which the licence is subject:

- (a) to construct in the offshore area specified in the licence a pipeline:
 - (i) of the design, construction, size and capacity specified in the licence; and

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- (ii) along the route specified in the licence; and
 - (iii) in the position, in relation to the seabed, specified in the licence; and
 - (b) to construct in the offshore area specified in the licence the pumping stations, tank stations and valve stations specified in the licence in the positions specified in the licence; and
 - (c) to operate:
 - (i) that pipeline; and
 - (ii) those pumping stations, tank stations and valve stations; and
 - (d) to carry on such operations, to execute such works and to do all such other things in the offshore area specified in the licence as are necessary for, or incidental to, the construction or operation of:
 - (i) that pipeline; and
 - (ii) those pumping stations, tank stations and valve stations.
- (2) The rights conferred on the licensee by subsection (1) are subject to this Act and the regulations.

212 Conditions of pipeline licences

- (1) The Joint Authority may grant a pipeline licence subject to whatever conditions the Joint Authority thinks appropriate.
- (2) The conditions (if any) must be specified in the licence.

Completion of pipeline

- (3) A pipeline licence may be granted subject to a condition that the licensee must complete the construction of the pipeline within the period specified in the licence.
- (4) Subsection (3) does not limit subsection (1).

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Approval of greenhouse gas substance

- (5) A pipeline licence is subject to the condition that the licensee will not operate the pipeline to convey a greenhouse gas substance unless the Joint Authority has approved the greenhouse gas substance under section 213.
- (6) Despite subsection (2), the condition mentioned in subsection (5) does not need to be specified in the licence.
- (7) Subsection (5) does not limit subsection (1).

Access regime

- (8) A pipeline licence is subject to the condition that, if:
 - (a) regulations are made for the purposes of subsection (9); and
 - (b) those regulations impose requirements on the licensee;the licensee will comply with those requirements.
- (9) The regulations may establish a regime for third party access to services provided by means of the use of greenhouse gas pipelines.
- (10) Despite subsection (2), the condition mentioned in subsection (8) does not need to be specified in the licence.
- (11) Subsection (8) does not limit subsection (1).

213 Approval by Joint Authority of greenhouse gas substance to be conveyed in a pipeline

- (1) A pipeline licensee may apply to the Joint Authority for approval of a greenhouse gas substance that is to be conveyed by means of the pipeline.
- (2) If an application for approval is made under subsection (1), the Joint Authority may, by written notice given to the applicant:
 - (a) give the approval, with or without conditions to which the approval is subject; or
 - (b) refuse to give the approval.

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- (3) In deciding whether to give an approval, the Joint Authority must have regard to:
 - (a) in a case where it is proposed to inject the greenhouse gas substance into an identified greenhouse gas storage formation:
 - (i) whether the greenhouse gas substance is suitable for injection into the identified greenhouse gas storage formation; and
 - (ii) whether the greenhouse gas substance is suitable for permanent storage in the identified greenhouse gas storage formation; and
 - (b) in a case where it is proposed to inject the greenhouse gas substance, on an appraisal basis, into a potential greenhouse gas storage formation (other than an identified greenhouse gas storage formation):
 - (i) whether the greenhouse gas substance is suitable for injection, on an appraisal basis, into the potential greenhouse gas storage formation; and
 - (ii) whether the greenhouse gas substance is suitable for storage, on an appraisal basis, in the potential greenhouse gas storage formation; and
 - (c) such other matters (if any) as the Joint Authority considers relevant.
- (4) To avoid doubt, section 211 does not imply that a pipeline licensee who applies for approval under subsection (1) of this section is entitled to be given the approval.
- (5) The responsible Commonwealth Minister may, by written notice given to the Joint Authority, give the Joint Authority a direction in relation to the exercise by the Joint Authority of the power conferred on the Joint Authority by subsection (2) in relation to a specified application.
- (6) The Joint Authority must comply with a direction under subsection (5).
- (7) A direction under subsection (5) is not a legislative instrument.

214 Duration of pipeline licence

- (1) A pipeline licence comes into force:
 - (a) on the day on which the pipeline licence is granted; or
 - (b) if a later day is specified in the pipeline licence as being the day on which the pipeline licence is to come into force—on that later day.
- (2) A pipeline licence remains in force indefinitely.
- (3) Subsection (2) has effect subject to this Chapter.

Note 1: For the surrender of a pipeline licence, see Part 2.12.

Note 2: For the cancellation of a pipeline licence, see Part 2.13.

Note 3: For the termination of a pipeline licence if there have been no operations for 5 years, see section 215.

215 Termination of pipeline licence if no operations for 5 years*Termination of licence*

- (1) If a pipeline licence is in force, and the licensee:
 - (a) has not carried out any construction work under the licence at any time during a continuous period of at least 5 years; and
 - (b) has not used the pipeline or a part of the pipeline at any time during a continuous period of at least 5 years;the Joint Authority may, by written notice given to the licensee, tell the licensee that the Joint Authority proposes to:
 - (c) terminate the pipeline licence; or
 - (d) terminate the pipeline licence in relation to the part of the pipeline;as the case may be, after the end of 30 days after the notice is given.
- (2) At any time after the end of 30 days after the notice referred to in subsection (1) is given to the licensee, the Joint Authority may, by written notice given to the licensee:
 - (a) terminate the pipeline licence; or

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- (b) terminate the pipeline licence in relation to the part of the pipeline;

as the case may be.

Note: For remedial directions following termination, see section 587 or 587A.

- (3) In working out, for the purposes of subsection (1):
 - (a) the period in which a pipeline licensee did not carry out any construction work under the licence; or
 - (b) the period in which a pipeline licensee did not use the pipeline or a part of the pipeline;disregard any period in which construction work was not carried out, or the pipeline or part of the pipeline was not used, as the case may be, because of circumstances beyond the licensee's control.
 - (4) For the purposes of subsection (3), the depletion of recoverable petroleum is not a circumstance beyond the licensee's control.
- Note: See also section 780 (compensation for acquisition of property).
- (5) For the purposes of subsection (3), the failure to obtain a greenhouse gas substance for conveyance in the pipeline, or a part of the pipeline, is not a circumstance beyond the licensee's control.

Consultation

- (6) The Joint Authority may give a copy of a notice under subsection (1) to such other persons (if any) as the Joint Authority thinks fit.
- (7) A notice under subsection (1) must:
 - (a) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Joint Authority about the proposal to:
 - (i) terminate the pipeline licence; or
 - (ii) terminate the pipeline licence in relation to the part of the pipeline; and
 - (b) specify a time limit for making that submission.

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Note: All communications to the Joint Authority are to be made through the Titles Administrator—see section 63.

- (8) In deciding whether to:
- (a) terminate the pipeline licence; or
 - (b) terminate the pipeline licence in relation to the part of the pipeline;
- the Joint Authority must take into account any submissions made in accordance with the notice.

216 Alteration or removal of pipeline constructed in breach of this Act

Scope

- (1) This section applies if:
- (a) the construction of a pipeline is started, continued or completed in breach of this Act; or
 - (b) a pipeline is altered or reconstructed in breach of this Act.

Direction by responsible Commonwealth Minister

- (2) The responsible Commonwealth Minister may, by written notice given to whichever of the following persons is applicable:
- (a) if the construction of the pipeline has been completed—the owner of the pipeline;
 - (b) if the construction of the pipeline has not been completed—the person for whom the pipeline is being constructed;
- direct the person:
- (c) to make specified alterations to the pipeline; or
 - (d) to move the pipeline to a specified place in the offshore area; or
 - (e) to remove the pipeline from the offshore area;
- within the period specified in the direction.
- (3) The period specified in the direction must be reasonable.

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Responsible Commonwealth Minister may take action if direction is not complied with

- (4) If a person does not comply with a direction under subsection (2) within:
- (a) the period specified in the direction; or
 - (b) such longer period as the Titles Administrator allows;
- the responsible Commonwealth Minister may do any or all of the things required by the direction to be done.
- (5) The Titles Administrator may allow a longer period under paragraph (4)(b) only on written application made by the person referred to in subsection (4) within the period specified in the direction.

Recovery of costs and expenses

- (6) Costs and expenses incurred by the responsible Commonwealth Minister under subsection (4) are:
- (a) a debt due to the Commonwealth by the person referred to in that subsection; and
 - (b) recoverable in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.

Division 2—Obtaining a pipeline licence

217 Application for pipeline licence

- (1) A person may apply to the Titles Administrator for the grant by the Joint Authority of a pipeline licence.

Details

- (2) An application under this section must be accompanied by details of:
- (a) the proposed design and construction of the pipeline; and
 - (b) the proposed size and capacity of the pipeline; and
 - (c) the applicant's proposals for work and expenditure in relation to the construction of the pipeline; and
 - (d) the technical qualifications of the applicant and of the applicant's employees; and
 - (e) the technical advice available to the applicant; and
 - (f) the financial resources available to the applicant; and
 - (g) any agreements that the applicant:
 - (i) has entered into; or
 - (ii) proposes to enter into;for, or in relation to, the supply or conveyance of petroleum or greenhouse gas substances by means of the pipeline.

Plan

- (3) An application under this section must be accompanied by a plan, drawn to an approved scale, showing:
- (a) the route to be followed by the pipeline; and
 - (b) the sites of pumping stations, tank stations and valve stations to be used in connection with the pipeline; and
 - (c) the site of any pumping station, tank station or valve station that the applicant wants to be declared under section 16 to be a terminal station in connection with the pipeline; and

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- (d) the location of any point that the applicant wants to be declared under section 17 to be a terminal point in connection with the pipeline.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.

Note 4: If a pipeline licensee wants to alter the pipeline, the licensee will need to apply under section 226 for the variation of the licence.

218 Rights of petroleum production licensees following application for petroleum-related pipeline licences by other persons

Application by petroleum production licensee

- (1) If:

- (a) a person applies for a pipeline licence in relation to the construction of a petroleum pipeline for the conveyance of petroleum recovered in a petroleum production licence area; and

- (b) the person is not the petroleum production licensee;

the petroleum production licensee may, within:

- (c) 90 days after the publication in the *Gazette* of notice of the application; or

- (d) such longer period, not more than 180 days, as the Titles Administrator allows;

apply under section 217 for such a pipeline licence and, in the application, request that the application mentioned in the *Gazette* notice be rejected.

Note: For publication in the *Gazette* of notice of the application, see section 708.

Rejection of application by other person

- (2) If a pipeline licence is granted to the petroleum production licensee as a result of an application covered by subsection (1), the Joint

Authority must, by written notice given to the person mentioned in paragraph (1)(a), reject the application mentioned in paragraph (1)(c).

Extension of time

- (3) The Titles Administrator may allow a longer period under paragraph (1)(d) only on written application made by the petroleum production licensee within the period of 90 days mentioned in paragraph (1)(c).

219 Rights of petroleum production licensees following application for greenhouse gas-related pipeline licences by other persons

Application by petroleum production licensee

- (1) If:
- (a) a person applies for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
 - (i) the conveyance of a greenhouse gas substance within a petroleum production licence area in that offshore area; or
 - (ii) the conveyance of a greenhouse gas substance from a place outside a petroleum production licence area to a place in the petroleum production licence area; and
 - (b) either:
 - (i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the petroleum production licence; or
 - (ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the petroleum production licence; and
 - (c) the person is not the petroleum production licensee;

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the petroleum production licensee may, within:

- (d) 90 days after the publication in the *Gazette* of notice of the application; or
- (e) such longer period, not more than 180 days, as the Joint Authority allows;

apply under section 217 for such a pipeline licence and, in the application, request that the application mentioned in the *Gazette* notice be rejected.

Note: For publication in the *Gazette* of notice of the application, see section 708.

Rejection of application by other person

- (2) If a pipeline licence is granted to the petroleum production licensee as a result of an application covered by subsection (1), the Joint Authority must, by written notice given to the person mentioned in paragraph (1)(a), reject the application mentioned in paragraph (1)(d).

Extension of time

- (3) The Joint Authority may allow a longer period under paragraph (1)(e) only on written application made by the petroleum production licensee within the period of 90 days mentioned in paragraph (1)(d).

220 Rights of greenhouse gas injection licensees following application for greenhouse gas-related pipeline licences by other persons

Application by greenhouse gas injection licensee

- (1) If:
 - (a) a person applies for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:

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- (i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or
 - (ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection area to a place in the greenhouse gas injection licence area; and
 - (b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and
 - (c) the person is not the greenhouse gas injection licensee;
- the greenhouse gas injection licensee may, within:
- (d) 90 days after the publication in the *Gazette* of notice of the application; or
 - (e) such longer period, not more than 180 days, as the Joint Authority allows;
- apply under section 217 for such a pipeline licence and, in the application, request that the application mentioned in the *Gazette* notice be rejected.

Note: For publication in the *Gazette* of notice of the application, see section 708.

Rejection of application by other person

- (2) If a pipeline licence is granted to the greenhouse gas injection licensee as a result of an application covered by subsection (1), the Joint Authority must, by written notice given to the person mentioned in paragraph (1)(a), reject the application mentioned in paragraph (1)(d).

Extension of time

- (3) The Joint Authority may allow a longer period under paragraph (1)(e) only on written application made by the greenhouse gas injection licensee within the period of 90 days mentioned in paragraph (1)(d).

Section 221

221 Grant of petroleum-related pipeline licence—offer document

Scope

- (1) This section applies if an application for a pipeline licence has been made under section 217.

Offer document—grant of pipeline licence to person other than petroleum production licensee

- (2) If:
- (a) the application is for a pipeline licence in relation to the construction in an offshore area of a petroleum pipeline for the conveyance of petroleum recovered in a petroleum production licence area (whether the licence area is within that, or another, offshore area); and
 - (b) the applicant is not the petroleum production licensee; and
 - (c) the application has not been rejected under subsection 218(2);

the Joint Authority may give the applicant a written notice (called an **offer document**) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

Offer document—grant of pipeline licence to petroleum production licensee

- (3) If:
- (a) the application is for a pipeline licence in relation to the construction of a petroleum pipeline for the conveyance of petroleum recovered in a petroleum production licence area; and
 - (b) the applicant is the petroleum production licensee; and
 - (c) each of the following has been complied with:
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject;
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1;

(iii) the regulations;

the Joint Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

(4) If:

(a) the application is for a pipeline licence in relation to the construction of a petroleum pipeline for the conveyance of petroleum recovered in a petroleum production licence area; and

(b) the applicant is the petroleum production licensee; and

(c) any of:

(i) the conditions to which the petroleum production licence is, or has from time to time been, subject; or

(ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1; or

(iii) the provisions of the regulations; have not been complied with; and

(d) the Joint Authority is satisfied that there are sufficient grounds to warrant the granting of the pipeline licence;

the Joint Authority may give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

Offer document—other applications

(5) If the application is for a pipeline licence in relation to the construction in an offshore area of a petroleum pipeline for the conveyance of petroleum recovered from a place beyond the outer limits of any offshore area, the Joint Authority may give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant a pipeline licence.

Section 222

Route to be followed by pipeline

- (6) An offer document under this section must specify the route to be followed by the petroleum pipeline, and that route must be:
- (a) the route shown in the plan accompanying the application; or
 - (b) if the Joint Authority is of the opinion that, for any reason, that route is not appropriate—a route that, in the opinion of the Joint Authority, is appropriate.

Note 1: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document—see subsection 258(3).

222 Grant of greenhouse gas-related pipeline licence—offer document

Scope

- (1) This section applies if an application for a pipeline licence has been made under section 217.

Offer document—grant of pipeline licence to a person other than petroleum production licensee

- (2) If:
- (a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
 - (i) the conveyance of a greenhouse gas substance within a petroleum production licence area in that offshore area; or
 - (ii) the conveyance of a greenhouse gas substance from a place outside a petroleum production licence area to a place in the petroleum production licence area; and
 - (b) either:

- (i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the petroleum production licence; or
- (ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the petroleum production licence; and
- (c) the applicant is not the petroleum production licensee; and
- (d) the application has not been rejected under subsection 219(2);

the Joint Authority may give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

Offer document—grant of pipeline licence to petroleum production licensee

- (3) If:
- (a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
 - (i) the conveyance of a greenhouse gas substance within a petroleum production licence area in that offshore area; or
 - (ii) the conveyance of a greenhouse gas substance from a place outside a petroleum production licence area to a place in the petroleum production licence area; and
 - (b) either:
 - (i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the petroleum production licence; or
 - (ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the petroleum production licence; and

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- (c) the applicant is the petroleum production licensee; and
- (d) each of the following has been complied with:
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject;
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1;
 - (iii) the regulations;

the Joint Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

(4) If:

- (a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
 - (i) the conveyance of a greenhouse gas substance within a petroleum production licence area in that offshore area; or
 - (ii) the conveyance of a greenhouse gas substance from a place outside a petroleum production licence area to a place in the petroleum production licence area; and
- (b) either:
 - (i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the petroleum production licence; or
 - (ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the petroleum production licence; and
- (c) the applicant is the petroleum production licensee; and
- (d) any of:
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1; or

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- (iii) the provisions of the regulations;
have not been complied with; and
- (e) the Joint Authority is satisfied that there are sufficient grounds to warrant the granting of the pipeline licence; the Joint Authority may give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

Offer document—grant of pipeline licence to a person other than greenhouse gas injection licensee

(5) If:

- (a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
 - (i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or
 - (ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection area to a place in the greenhouse gas injection licence area; and
- (b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and
- (c) the applicant is not the greenhouse gas injection licensee; and
- (d) the application has not been rejected under subsection 220(2);

the Joint Authority may give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

Offer document—grant of pipeline licence to greenhouse gas injection licensee

(6) If:

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- (a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
 - (i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or
 - (ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection area to a place in the greenhouse gas injection licence area; and
- (b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and
- (c) the applicant is the greenhouse gas injection licensee; and
- (d) each of the following has been complied with:
 - (i) the conditions to which the greenhouse gas injection licence is, or has from time to time been, subject;
 - (ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1;
 - (iii) the regulations;

the Joint Authority must give the applicant a written notice (called an ***offer document***) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

(7) If:

- (a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
 - (i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or
 - (ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection area to a place in the greenhouse gas injection licence area; and
- (b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and

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- (c) the applicant is the greenhouse gas injection licensee; and
 - (d) any of:
 - (i) the conditions to which the greenhouse gas injection licence is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1; or
 - (iii) the provisions of the regulations; have not been complied with; and
 - (e) the Joint Authority is satisfied that there are sufficient grounds to warrant the granting of the pipeline licence;
- the Joint Authority may give the applicant a written notice (called an *offer document*) telling the applicant that the Joint Authority is prepared to grant the applicant the pipeline licence.

Route to be followed by pipeline

- (8) An offer document under this section must specify the route to be followed by the greenhouse gas pipeline, and that route must be:
 - (a) the route shown in the plan accompanying the application; or
 - (b) if the Joint Authority is of the opinion that, for any reason, that route is not appropriate—a route that, in the opinion of the Joint Authority, is appropriate.

Note 1: Section 259 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 258 to provide further information, the Joint Authority may refuse to give the applicant an offer document—see subsection 258(3).

223 Refusal to grant petroleum-related pipeline licence*Scope*

- (1) This section applies if an application for a pipeline licence has been made under section 217.

Section 223

Application by licensee of petroleum production licence

(2) If:

- (a) the application is for a pipeline licence in relation to the construction of a petroleum pipeline for the conveyance of petroleum recovered in a petroleum production licence area; and
 - (b) the applicant is the petroleum production licensee; and
 - (c) any of:
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1; or
 - (iii) the provisions of the regulations; have not been complied with; and
 - (d) the Joint Authority is not satisfied that there are sufficient grounds to warrant the granting of a pipeline licence;
- the Joint Authority must, by written notice given to the applicant, refuse to grant the pipeline licence.

Note: Consultation procedures apply—see section 262.

Application by a person who is not a petroleum production licensee

(3) If:

- (a) the application is for a pipeline licence in relation to the construction of a petroleum pipeline for the conveyance of petroleum recovered in a petroleum production licence area; and
 - (b) the applicant is not the petroleum production licensee;
- the Joint Authority may, by written notice given to the applicant, refuse to grant the pipeline licence.

224 Refusal to grant greenhouse gas-related pipeline licence*Scope*

- (1) This section applies if an application for a pipeline licence has been made under section 217.

Application by licensee of petroleum production licence

- (2) If:
- (a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
 - (i) the conveyance of a greenhouse gas substance within a petroleum production licence area in that offshore area; or
 - (ii) the conveyance of a greenhouse gas substance from a place outside a petroleum production licence area to a place in the petroleum production licence area; and
 - (b) either:
 - (i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the petroleum production licence; or
 - (ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the petroleum production licence; and
 - (c) the applicant is the petroleum production licensee; and
 - (d) any of:
 - (i) the conditions to which the petroleum production licence is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1; or
 - (iii) the provisions of the regulations; have not been complied with; and

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- (e) the Joint Authority is not satisfied that there are sufficient grounds to warrant the granting of a pipeline licence; the Joint Authority must, by written notice given to the applicant, refuse to grant the pipeline licence.

Note: Consultation procedures apply—see section 262.

Application by a person who is not a petroleum production licensee

- (3) If:
 - (a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
 - (i) the conveyance of a greenhouse gas substance within a petroleum production licence area in that offshore area; or
 - (ii) the conveyance of a greenhouse gas substance from a place outside a petroleum production licence area to a place in the petroleum production licence area; and
 - (b) either:
 - (i) if subparagraph (a)(i) applies—the greenhouse gas substance is a by-product of petroleum recovery operations carried on under the petroleum production licence; or
 - (ii) if subparagraph (a)(ii) applies—the greenhouse gas substance is to be injected into the seabed or subsoil for the purpose of enhancing petroleum recovery operations carried on under the petroleum production licence; and
 - (c) the applicant is not the petroleum production licensee;the Joint Authority may, by written notice given to the applicant, refuse to grant the pipeline licence.

Application by licensee of greenhouse gas injection licence

- (4) If:

- (a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
 - (i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or
 - (ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection area to a place in the greenhouse gas injection licence area; and
 - (b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and
 - (c) the applicant is the greenhouse gas injection licensee; and
 - (d) any of:
 - (i) the conditions to which the greenhouse gas injection licence is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1; or
 - (iii) the provisions of the regulations;have not been complied with; and
 - (e) the Joint Authority is not satisfied that there are sufficient grounds to warrant the granting of a pipeline licence;
- the Joint Authority must, by written notice given to the applicant, refuse to grant the pipeline licence.

Note: Consultation procedures apply—see section 262.

Application by a person who is not a greenhouse gas injection licensee

- (5) If:
- (a) the application is for a pipeline licence in relation to the construction, in an offshore area, of a greenhouse gas pipeline for:
 - (i) the conveyance of a greenhouse gas substance within a greenhouse gas injection licence area in that offshore area; or

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- (ii) the conveyance of a greenhouse gas substance from a place outside a greenhouse gas injection licence area to a place in the greenhouse gas injection licence area; and
 - (b) the greenhouse gas substance is to be injected into an identified greenhouse gas storage formation that is wholly situated in the greenhouse gas injection licence area; and
 - (c) the applicant is not the greenhouse gas injection licensee;
- the Joint Authority may, by written notice given to the applicant, refuse to grant the pipeline licence.

225 Grant of pipeline licence

If:

- (a) an applicant has been given an offer document under section 221 or 222; and
- (b) the applicant has made a request under section 260 in relation to the offer document within the period applicable under that section;

the Joint Authority must grant the applicant the pipeline licence concerned.

Note: If the applicant does not make a request under section 260 within the period applicable under that section, the application lapses at the end of that period—see subsection 260(4).

Division 3—Varying a pipeline licence

226 Variation of pipeline licence on application by licensee

- (1) A pipeline licensee may apply to the Titles Administrator for the variation by the Joint Authority of the licence.
- (2) An application under this section must:
 - (a) be accompanied by details of the proposed variation; and
 - (b) specify the reasons for the proposed variation.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

Note 3: Section 258 enables the Titles Administrator to require the applicant to give further information.
- (3) When notice of an application under this section is published in the *Gazette*, the notice must specify a period within which a person may make a written submission to the Titles Administrator about the application.

Note: For publication in the *Gazette* of notice of the application, see section 708.
- (4) After considering any submissions made to the Titles Administrator under subsection (3), the Joint Authority may, by written notice given to the applicant:
 - (a) vary the pipeline licence to such extent as the Joint Authority thinks necessary; or
 - (b) refuse to vary the pipeline licence.
- (5) A variation of a pipeline licence under this section takes effect on the day on which notice of the variation is published in the *Gazette*.

Note: For publication in the *Gazette* of notice of the variation, see section 708.

Section 226

Time limit for making decision

- (6) The Joint Authority must make a decision under subsection (4) within the period that:
- (a) begins when the period referred to in subsection (3) ends; and
 - (b) runs for:
 - (i) if a written agreement between the applicant and the Joint Authority in relation to the application specifies a number of days for the purposes of this subparagraph—that number of days; or
 - (ii) if no such agreement is in force—the prescribed number of days.
- (7) If the Titles Administrator, by written notice under subsection 258(2), requires the applicant to give further information in connection with the application, the period referred to in subsection (6) of this section is extended by one day for each day during the period:
- (a) beginning on the day on which the notice is given; and
 - (b) ending when the applicant gives the Titles Administrator the information.
- (8) The Joint Authority is not required to comply with subsection (6) unless a number of days is prescribed for the purposes of subparagraph (6)(b)(ii).
- (9) The applicant and the Joint Authority may vary or terminate an agreement referred to in subparagraph (6)(b)(i).
- (10) A failure to comply with subsection (6) in relation to a decision does not affect the validity of the decision.

Note: See also sections 286B and 286C.

227 Variation of pipeline licence at the request of a Minister or a statutory body*Pipeline licence*

- (1) The Joint Authority may, by written notice given to a pipeline licensee, direct the licensee to:
 - (a) make such changes to the design, construction, route or position of the pipeline concerned as are specified in the direction; and
 - (b) make those changes within the period specified in the direction;and, if the Joint Authority gives such a direction, the Joint Authority must vary the pipeline licence in accordance with the direction.
- (2) The period specified in the direction must be reasonable.
- (3) A variation of a pipeline licence under this section takes effect on the day on which notice of the variation is published in the *Gazette*.

Note: For publication in the *Gazette* of notice of the variation, see section 708.

Request by Minister or statutory body

- (4) The Joint Authority may give a direction under subsection (1) only if:
 - (a) the Joint Authority is requested to do so by:
 - (i) a Minister of the Commonwealth or of a State or the Northern Territory; or
 - (ii) a body established by a law of the Commonwealth or of a State or Territory; and
 - (b) in the Joint Authority's opinion, it is in the public interest to give the direction.

Offence

- (5) A person commits an offence of strict liability if:

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- (a) the person is subject to a direction under subsection (1); and
- (b) the person omits to do an act; and
- (c) the omission breaches the direction.

Penalty: 100 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (5A) The maximum penalty for each day that an offence under subsection (5) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (5) is a continuing offence under section 4K of the *Crimes Act 1914*.

Recovery of cost of complying with direction

- (6) If:
- (a) the Joint Authority gives a direction to a person under subsection (1) in relation to a pipeline in an offshore area; and
 - (b) the person complies with the direction;
- the person may bring an action in:
- (c) the Federal Court; or
 - (d) the Supreme Court of, or having jurisdiction in, the State or Territory to which the offshore area relates;
- against the Minister or body who made the request under subsection (4).
- (7) The court must:
- (a) hear the action without a jury; and
 - (b) determine whether it is just that the whole or a part of the reasonable cost of complying with the direction ought to be paid to the plaintiff by the defendant.
- (8) If the court determines that it is just that such a payment ought to be made, the court must determine the amount of the payment and give judgment accordingly.

Principal Northern Territory offshore area and Eastern Greater Sunrise offshore area

- (9) For the purposes of paragraph (6)(d):
- (a) the Principal Northern Territory offshore area; and
 - (b) the Eastern Greater Sunrise offshore area;
- are taken to relate to the Northern Territory.

Division 4—Pipeline operation

228 Ceasing to operate pipeline without consent

Offence

- (1) A person commits an offence of strict liability if:
- (a) the person is a pipeline licensee in relation to a pipeline; and
 - (b) the person ceases to operate the pipeline.

Penalty: 100 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty

- (1A) A person who is a pipeline licensee in relation to a pipeline is liable to a civil penalty if the person ceases to operate the pipeline.

Civil penalty: 265 penalty units.

Exceptions

- (2) Subsection (1) or (1A) does not apply if the failure of the licensee to operate the pipeline is:
- (a) with the written consent of the Joint Authority; and
 - (b) in accordance with the conditions (if any) specified in the consent.

Note: In proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matter in subsection (2): see subsection 13.3(3) of the *Criminal Code*. The same applies in proceedings for a civil penalty under subsection (1A) of this section.

- (3) Subsection (1) or (1A) does not apply if the failure of the licensee to operate the pipeline was:
- (a) in the ordinary course of operating the pipeline; or
 - (b) for the purpose of repairing or maintaining the pipeline; or

- (c) in an emergency in which there was a likelihood of loss or injury.

Note: In proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matter in subsection (3): see subsection 13.3(3) of the *Criminal Code*. The same applies in proceedings for a civil penalty under subsection (1A) of this subsection.

Continuing offences

- (4) A person who commits an offence against subsection (1) commits a separate offence in respect of each day (including a day of a conviction under this section or any later day) during which the offence continues.
- (5) The maximum penalty for each day that an offence under subsection (1) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Continuing contraventions of civil penalty provisions

- (6) A person who contravenes subsection (1A) commits a separate contravention in respect of each day (including a day of the making of a relevant civil penalty order or any later day) during which the contravention continues.
- (7) The maximum civil penalty for each day that a contravention of subsection (1A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Part 2.7—Petroleum special prospecting authorities

Division 1—General provisions

229 Simplified outline

The following is a simplified outline of this Part:

- This Part provides for the grant of petroleum special prospecting authorities over blocks in an offshore area.
- A petroleum special prospecting authority may be granted over a block so long as none of the following is in force over the block:
 - (a) a petroleum exploration permit;
 - (b) a petroleum retention lease;
 - (c) a petroleum production licence;
 - (d) a greenhouse gas assessment permit;
 - (e) a greenhouse gas holding lease;
 - (f) a greenhouse gas injection licence.
- A petroleum special prospecting authority authorises the holder to carry on petroleum exploration operations in the authority area (but not to make a well).

230 Rights conferred by petroleum special prospecting authority

- (1) A petroleum special prospecting authority authorises the registered holder, in accordance with the conditions (if any) to which the

authority is subject, to carry on, in the authority area, the petroleum exploration operations specified in the authority.

- (2) A petroleum special prospecting authority does not authorise the registered holder to make a well.
- (3) The rights conferred on the registered holder by subsection (1) are subject to this Act and the regulations.

231 Conditions of petroleum special prospecting authorities

- (1) The Titles Administrator may grant a petroleum special prospecting authority subject to whatever conditions the Titles Administrator thinks appropriate.
- (2) The conditions (if any) must be specified in the petroleum special prospecting authority.

232 Duration of petroleum special prospecting authority

- (1) A petroleum special prospecting authority comes into force on the day specified in the authority as the day on which the authority is to come into force.
- (2) A petroleum special prospecting authority remains in force for the period specified in the authority.
- (3) The period specified under subsection (2) must not be longer than 180 days.
- (4) Subsection (2) has effect subject to this Chapter.

Note 1: For the surrender of a petroleum special prospecting authority, see Part 2.12.

Note 2: For the cancellation of a petroleum special prospecting authority, see Part 2.13.

233 Petroleum special prospecting authority cannot be transferred

A petroleum special prospecting authority cannot be transferred.

Division 2—Obtaining a petroleum special prospecting authority

234 Application for petroleum special prospecting authority

- (1) A person may apply to the Titles Administrator for the grant of a petroleum special prospecting authority over a block or blocks, so long as none of the following is in force over that block or any of those blocks:
 - (a) a petroleum exploration permit;
 - (b) a petroleum retention lease;
 - (c) a petroleum production licence;
 - (d) a greenhouse gas assessment permit;
 - (e) a greenhouse gas holding lease;
 - (f) a greenhouse gas injection licence.
- (2) An application under this section must specify:
 - (a) the petroleum exploration operations that the applicant proposes to carry on; and
 - (b) the block or blocks within which the applicant proposes to carry on those operations.

Note 1: Part 2.10 contains additional provisions about application procedures.

Note 2: Section 256 requires the application to be accompanied by an application fee.

235 Grant or refusal of petroleum special prospecting authority

If an application for a petroleum special prospecting authority has been made under section 234, the Titles Administrator may:

- (a) grant the applicant a petroleum special prospecting authority;
or
- (b) by written notice given to the applicant, refuse to grant a petroleum special prospecting authority to the applicant.

236 Holders to be informed of the grant of another petroleum special prospecting authority

Scope

- (1) This section applies if:
- (a) a person (the ***first person***) is the registered holder of a petroleum special prospecting authority over a block; and
 - (b) another petroleum special prospecting authority is granted to another person (the ***second person***) over the block.

Holders to be informed

- (2) The Titles Administrator must, by written notice given to the first person, inform the first person of:
- (a) the petroleum exploration operations authorised by the petroleum special prospecting authority granted to the second person; and
 - (b) the conditions of the petroleum special prospecting authority granted to the second person.
- (3) The Titles Administrator must, by written notice given to the second person, inform the second person of:
- (a) the petroleum exploration operations authorised by the petroleum special prospecting authority granted to the first person; and
 - (b) the conditions of the petroleum special prospecting authority granted to the first person.

237 Holders to be informed of the grant of greenhouse gas search authority

Scope

- (1) This section applies if:
- (a) a person (the ***first person***) is the registered holder of a petroleum special prospecting authority over a block; and

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- (b) a greenhouse gas search authority is granted to another person (the *second person*) over the block.

Holders to be informed

- (2) The responsible Commonwealth Minister must, by written notice given to the first person, inform the first person of:
 - (a) the operations authorised by the greenhouse gas search authority granted to the second person; and
 - (b) the conditions of the greenhouse gas search authority granted to the second person.
- (3) The Titles Administrator must, by written notice given to the second person, inform the second person of:
 - (a) the petroleum exploration operations authorised by the petroleum special prospecting authority granted to the first person; and
 - (b) the conditions of the petroleum special prospecting authority granted to the first person.

Part 2.8—Petroleum access authorities

Division 1—General provisions

238 Simplified outline

The following is a simplified outline of this Part.

- This Part provides for the grant of petroleum access authorities over blocks in an offshore area.
- A petroleum access authority authorises the holder to carry on certain petroleum exploration operations, and certain operations relating to the recovery of petroleum, in the authority area (but not to make a well).

239 Rights conferred by petroleum access authority

- (1) A petroleum access authority authorises the registered holder, in accordance with the conditions (if any) to which the authority is subject, to carry on, in the authority area, the operations specified in the authority.
- (2) A petroleum access authority does not authorise the registered holder to make a well.
- (3) The rights conferred on the registered holder by subsection (1) are subject to this Act and the regulations.

240 Conditions of petroleum access authorities

- (1) The Titles Administrator may grant a petroleum access authority subject to whatever conditions the Titles Administrator thinks appropriate.
 - (2) The conditions (if any) must be specified in the petroleum access authority.
-

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241 Duration of petroleum access authority

- (1) A petroleum access authority comes into force on the day specified in the authority as the day on which the authority is to come into force.
- (2) A petroleum access authority remains in force for the period specified in the authority, but may be extended by the Titles Administrator for a further specified period.
- (3) Subsection (2) has effect subject to this Chapter.

Note 1: For the surrender of a petroleum access authority, see Part 2.12.

Note 2: For the revocation of a petroleum access authority, see section 250.

Division 2—Obtaining a petroleum access authority**242 Application for petroleum access authority**

(1) The table has effect:

Application for petroleum access authority			
	Column 1	Column 2	Column 3
Item	This person...	may apply to...	for the grant of a petroleum access authority to enable the person to...
1	the registered holder of a petroleum exploration permit, petroleum retention lease or petroleum production licence relating to a particular offshore area	the Titles Administrator	<p>carry on, in an area that is:</p> <p>(a) part of that offshore area but outside the permit area, lease area or licence area; or</p> <p>(b) part of an adjoining offshore area;</p> <p>either or both of the following:</p> <p>(c) petroleum exploration operations;</p> <p>(d) operations related to the recovery of petroleum in or from the permit area, lease area or licence area.</p>
2	the holder of a State title or Northern Territory title who wants to gain access to a particular offshore area	the Titles Administrator	<p>carry on, in a part of that offshore area, either or both of the following:</p> <p>(a) petroleum exploration operations;</p> <p>(b) operations related to the recovery of petroleum in or from the area to which that State title or Northern Territory title relates.</p>

Chapter 2 Regulation of activities relating to petroleum

Part 2.8 Petroleum access authorities

Division 2 Obtaining a petroleum access authority

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Application for petroleum access authority			
	Column 1	Column 2	Column 3
Item	This person...	may apply to...	for the grant of a petroleum access authority to enable the person to...
3	the registered holder of a petroleum special prospecting authority relating to a particular offshore area	the Titles Administrator	carry on petroleum exploration operations in an area that is: (a) part of that offshore area but outside the authority area of the petroleum special prospecting authority; or (b) part of an adjoining offshore area.
4	an applicant for a petroleum special prospecting authority relating to a particular offshore area	the Titles Administrator	carry on petroleum exploration operations in an area that is: (a) part of that offshore area but outside the authority area of the proposed petroleum special prospecting authority; or (b) part of an adjoining offshore area.

(2) An application under this section must specify:

- (a) the operations that the applicant proposes to carry on; and
- (b) the area in which the applicant proposes to carry on those operations.

Note: Part 2.10 contains additional provisions about application procedures.

243 Grant or refusal of petroleum access authority

(1) If:

- (a) an application for a petroleum access authority has been made under item 1, 2 or 3 of the table in subsection 242(1); and
- (b) the Titles Administrator is satisfied that it is necessary or desirable to grant the petroleum access authority for:

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- (i) the more effective exercise of the applicant's rights; or
 - (ii) the proper performance of the applicant's duties;
- in the applicant's capacity as:
- (iii) the registered holder of a petroleum exploration permit, petroleum retention lease or petroleum production licence; or
 - (iv) the holder of a State title or Northern Territory title; or
 - (v) the registered holder of a petroleum special prospecting authority;

the Titles Administrator may:

- (c) grant the applicant a petroleum access authority; or
- (d) by written notice given to the applicant, refuse to grant a petroleum access authority to the applicant.

Note: Consultation procedures apply—see section 244.

(2) If:

- (a) an application for a petroleum access authority has been made under item 4 of the table in subsection 242(1); and
- (b) the Titles Administrator is satisfied that, assuming the petroleum special prospecting authority mentioned in that item were to be granted to the applicant, it would be necessary or desirable to grant the petroleum access authority for:
 - (i) the more effective exercise of the applicant's rights; or
 - (ii) the proper performance of the applicant's duties;in the applicant's capacity as the registered holder of the petroleum special prospecting authority;

the Titles Administrator may:

- (c) grant the applicant a petroleum access authority; or
- (d) by written notice given to the applicant, refuse to grant a petroleum access authority to the applicant.

Note: Consultation procedures apply—see section 244.

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244 Consultation—grant of petroleum access authority in same offshore area

Scope

- (1) This section applies if:
- (a) an application for a petroleum access authority has been made under section 242 in relation to an area (the ***application area***) that is not part of an adjoining offshore area; and
 - (b) the application area is, to any extent, the subject of a petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority; and
 - (c) the applicant is not the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority; and
 - (d) the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority has not given written consent to the grant of the petroleum access authority.

Consultation

- (2) Before granting the petroleum access authority, the Titles Administrator must:
- (a) by written notice given to the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority, give at least 30 days notice of the Titles Administrator's intention to grant the petroleum access authority; and
 - (b) give a copy of the notice to such other persons (if any) as the Titles Administrator thinks fit.
- (3) The notice must:
- (a) set out details of the petroleum access authority that is proposed to be granted; and

- (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Titles Administrator about the proposal; and
 - (c) specify a time limit for making that submission.
- (4) In deciding:
- (a) whether to grant the petroleum access authority; and
 - (b) the conditions (if any) to which the petroleum access authority should be subject;
- the Titles Administrator must take into account any submissions made in accordance with the notice.

245 Consultation—approval of grant of petroleum access authority in adjoining offshore area

Scope

- (1) This section applies if:
- (a) an application for a petroleum access authority has been made under section 242 in relation to an area (the ***application area***) that is part of an adjoining offshore area; and
 - (b) the application area is, to any extent, the subject of a petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority; and
 - (c) the applicant is not the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority; and
 - (d) the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority has not given written consent to the grant of the petroleum access authority.

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Consultation

- (2) Before approving the grant of the petroleum access authority, the Titles Administrator must:
 - (a) by written notice given to the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority, give at least 30 days notice of the Titles Administrator's intention to approve the grant of the petroleum access authority; and
 - (b) give a copy of the notice to such other persons (if any) as the Titles Administrator thinks fit.
- (3) The notice must:
 - (a) set out details of the petroleum access authority that is proposed to be granted; and
 - (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Titles Administrator about the proposal; and
 - (c) specify a time limit for making that submission.
- (4) In deciding whether to approve the grant of the petroleum access authority, the Titles Administrator must take into account any submissions made in accordance with the notice.

Division 3—Variation of petroleum access authorities

246 Variation of petroleum access authority

- (1) The Titles Administrator may, by written notice given to the registered holder of a petroleum access authority, vary the petroleum access authority.
- (2) A variation of the petroleum access authority may be made:
 - (a) on the application of the registered holder; or
 - (b) on the Titles Administrator's own initiative.
- (3) An application for a variation of the petroleum access authority must:
 - (a) set out the proposed variation; and
 - (b) specify the reasons for the proposed variation.

247 Consultation—variation of petroleum access authority in same offshore area

Scope

- (1) This section applies if:
 - (a) a petroleum access authority was granted as a result of an application under section 242 in relation to an area that is not part of an adjoining offshore area; and
 - (b) the Titles Administrator proposes to vary the petroleum access authority; and
 - (c) the authority area is, to any extent, the subject of a petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority; and
 - (d) the applicant is not the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority; and

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- (e) the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority has not given written consent to the variation of the petroleum access authority.

Consultation

- (2) Before varying the petroleum access authority, the Titles Administrator must:
 - (a) by written notice given to the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority, give at least 30 days notice of the Titles Administrator's intention to vary the petroleum access authority; and
 - (b) give a copy of the notice to:
 - (i) the registered holder of the petroleum access authority; and
 - (ii) such other persons (if any) as the Titles Administrator thinks fit.
- (3) The notice must:
 - (a) set out details of the variation that is proposed to be made; and
 - (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Titles Administrator about the proposal; and
 - (c) specify a time limit for making that submission.
- (4) In deciding whether to vary the petroleum access authority, the Titles Administrator must take into account any submissions made in accordance with the notice.

248 Consultation—approval of variation of petroleum access authority in adjoining offshore area

Scope

- (1) This section applies if:
- (a) a petroleum access authority was granted as a result of an application under section 242 in relation to an area that is part of an adjoining offshore area; and
 - (b) the Titles Administrator proposes to vary the petroleum access authority; and
 - (c) the authority area is, to any extent, the subject of a petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority; and
 - (d) the registered holder of the petroleum access authority is not the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority.

Consultation

- (2) Before approving the variation of the petroleum access authority, the Titles Administrator must:
- (a) by written notice given to the registered holder of the petroleum exploration permit, petroleum retention lease, petroleum production licence or petroleum special prospecting authority, give at least 30 days notice of the Titles Administrator's intention to approve the variation of the petroleum access authority; and
 - (b) give a copy of the notice to:
 - (i) the registered holder of the petroleum access authority; and
 - (ii) such other persons (if any) as the Titles Administrator thinks fit.
- (3) The notice must:

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- (a) set out details of the variation that is proposed to be made; and
 - (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Titles Administrator about the proposal; and
 - (c) specify a time limit for making that submission.
- (4) In deciding whether to approve the variation of the petroleum access authority, the Titles Administrator must take into account any submissions made in accordance with the notice.

Division 4—Reporting obligations of holders of petroleum access authorities

249 Reporting obligations of holders of petroleum access authorities

(1) If:

- (a) at any time during a particular month, a petroleum access authority is in force in relation to an area that consists of, or includes, a block that is the subject of a petroleum exploration permit, petroleum retention lease or petroleum production licence; and
- (b) the registered holder of the petroleum access authority is not the registered holder of the permit, lease or licence;

the registered holder of the petroleum access authority must, within 30 days after the end of that month, give the registered holder of the permit, lease or licence:

- (c) a written report about the operations carried on in that block during that month; and
- (d) a written summary of the facts ascertained from those operations.

Offence

(2) A person commits an offence of strict liability if:

- (a) the person is subject to a requirement under subsection (1); and
- (b) the person omits to do an act; and
- (c) the omission breaches the requirement.

Penalty: 50 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty

(4) A person is liable to a civil penalty if the person contravenes a requirement under subsection (1).

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Civil penalty: 90 penalty units.

Continuing offences and continuing contraventions of civil penalty provisions

- (5) The maximum penalty for each day that an offence under subsection (2) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (2) is a continuing offence under section 4K of the *Crimes Act 1914*.

- (6) The maximum civil penalty for each day that a contravention of subsection (4) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (4) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

Division 5—Revocation of petroleum access authorities

250 Revocation of petroleum access authority

- (1) The Titles Administrator may, by written notice given to the registered holder of a petroleum access authority, revoke the petroleum access authority.
- (2) If:
 - (a) the Titles Administrator revokes a petroleum access authority; and
 - (b) the petroleum access authority authorised operations in:
 - (i) a petroleum exploration permit area; or
 - (ii) a petroleum retention lease area; or
 - (iii) a petroleum production licence area;the Titles Administrator must give written notice of the revocation to the permittee, lessee or licensee.

Section 251

Part 2.9—Petroleum scientific investigation consents

251 Simplified outline

The following is a simplified outline of this Part:

- This Part provides for the grant of petroleum scientific investigation consents.
- A petroleum scientific investigation consent authorises the holder to carry on petroleum exploration operations in the course of a scientific investigation.

252 Rights conferred by petroleum scientific investigation consent

- (1) A petroleum scientific investigation consent authorises the holder, in accordance with the conditions (if any) to which the consent is subject, to carry on, in the offshore area specified in the consent, the petroleum exploration operations specified in the consent in the course of the scientific investigation specified in the consent.
- (2) The rights conferred on the holder by subsection (1) are subject to section 280.

Note: Section 280 deals with interference with other rights.

253 Conditions of petroleum scientific investigation consents

- (1) The Joint Authority may grant a petroleum scientific investigation consent subject to whatever conditions the Joint Authority thinks appropriate.
- (2) The conditions (if any) must be specified in the consent.

254 Grant of petroleum scientific investigation consent

- (1) The Joint Authority may grant a written petroleum scientific investigation consent authorising a person to carry on, in the offshore area, petroleum exploration operations in the course of a scientific investigation.
- (2) The person is the ***holder*** of the consent.

Section 255

Part 2.10—Standard procedures

255 Application and cash bid to be made in an approved manner

Scope

- (1) This section applies to an application for:
 - (a) the grant or renewal of a petroleum exploration permit; or
 - (b) the grant or renewal of a petroleum retention lease; or
 - (c) the grant, variation or renewal of a petroleum production licence; or
 - (d) the grant or variation of an infrastructure licence; or
 - (e) the grant or variation of a pipeline licence; or
 - (f) the grant of a petroleum special prospecting authority; or
 - (g) the grant or variation of a petroleum access authority.
- (1A) This section also applies to a cash bid, or a tie-breaking cash bid, made under section 111 or 112B for the grant of a petroleum exploration permit.

Manner

- (2) The application, cash bid or tie-breaking cash bid must be made in an approved manner.

Note: See also subsection 33(3A) of the *Acts Interpretation Act 1901*.

256 Application fee

Scope

- (1) This section applies to an application for:
 - (a) the grant or renewal of a petroleum exploration permit; or
 - (b) the grant or renewal of a petroleum retention lease; or
 - (c) the grant or renewal of a petroleum production licence; or
 - (d) the grant or variation of an infrastructure licence; or

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- (e) the grant or variation of a pipeline licence; or
- (f) the grant of a petroleum special prospecting authority.

Application fee

- (2) The application must be accompanied by the fee (if any) prescribed by the regulations.
- (3) Different fees may be prescribed for different applications.
- (4) A fee must not be such as to amount to taxation.
- (5) To avoid doubt, a fee is in addition to:
 - (a) the amount that a person specifies in an application as the amount that the person is prepared to pay for:
 - (i) a cash-bid petroleum exploration permit; or
 - (ii) a special petroleum exploration permit; or
 - (iii) a section 181 petroleum production licence; and
 - (b) the amount specified in an offer document as the amount that a person must pay for a cash-bid petroleum exploration permit; and
 - (c) the balance specified in an offer document as the balance that a person must pay for:
 - (i) a special petroleum exploration permit; or
 - (ii) a section 181 petroleum production licence.

257 Application may set out additional matters

Scope

- (1) This section applies to the following:
 - (a) an application for the grant of a petroleum exploration permit (otherwise than by way of renewal);
 - (b) an application for the grant of a petroleum retention lease (otherwise than by way of renewal);
 - (c) an application under:
 - (i) section 168, 170 or 178; or

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- (ii) clause 2 or 4 of Schedule 4;
for the grant of a petroleum production licence;
- (d) an application for the variation of a petroleum production licence;
- (e) an application for the grant of an infrastructure licence;
- (f) an application for the grant of a pipeline licence;
- (g) an application for the grant of a petroleum access authority.

Additional matters

- (2) The application may set out any additional matters that the applicant wishes to be considered.

258 Titles Administrator may require further information

Scope

- (1) This section applies to an application for:
 - (a) the grant of a petroleum exploration permit (otherwise than by way of renewal); or
 - (b) the grant or renewal of a petroleum retention lease; or
 - (c) the grant of a petroleum production licence (otherwise than by way of renewal and otherwise than by way of grant under section 183); or
 - (d) the variation of a petroleum production licence; or
 - (e) the grant or variation of an infrastructure licence; or
 - (f) the grant or variation of a pipeline licence.

Requirement to give further information

- (2) The Titles Administrator may, by written notice given to the applicant, require the applicant to give the Titles Administrator, within the period specified in the notice, further information in connection with the application.

Consequences of breach of requirement

- (3) If the applicant breaches the requirement, the Joint Authority may, by written notice given to the applicant:
 - (a) refuse to consider the application; or
 - (b) refuse to take any action, or any further action, in relation to the application.
- (4) Subsection (3) has effect despite any provision of this Act that requires the Joint Authority to:
 - (a) consider the application; or
 - (b) take any particular action in relation to the application.
- (5) A reference in this section to taking action in relation to the application includes a reference to giving an offer document in relation to the application.

Application by permittee or lessee for petroleum production licence—notice specifying date on which information was provided

- (6) If an application for the grant of a petroleum production licence has been made under:
 - (a) section 168 or 170; or
 - (b) clause 2 or 4 of Schedule 4;then:
 - (c) if the Titles Administrator does not require the applicant to give further information under subsection (2)—the Titles Administrator must, within 30 days after the application was made, determine whether or not sufficient information has been received to determine the application; or
 - (d) if the Titles Administrator requires the applicant to give further information under subsection (2)—the Titles Administrator must, within 30 days after receiving the information, determine whether or not sufficient information has been received to determine the application.
- (7) If, under subsection (6), the Titles Administrator determines that sufficient information has been provided, the Titles Administrator

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must issue the applicant with a notice to that effect specifying the last date on which information was provided.

Note: The date specified in the notice is referred to in paragraph 34A(1)(a) and subsection 34A(5) of, and clause 1 of the Schedule to, the *Petroleum Resource Rent Tax Assessment Act 1987*.

- (8) The issuing of a notice under subsection (7) does not prevent the Titles Administrator from later requiring further information under subsection (2). However, the later requirement does not affect the notice under subsection (7).
- (9) If an application covered by subsection (6):
 - (a) lapses; or
 - (b) is withdrawn; or
 - (c) is refused;any notice issued under subsection (7) in relation to that application is taken never to have been issued.

259 Offer documents

Scope

- (1) This section applies to an offer document that relates to an application for:
 - (a) the grant or renewal of a petroleum exploration permit; or
 - (b) the grant or renewal of a petroleum retention lease; or
 - (c) the grant or renewal of a petroleum production licence; or
 - (d) the grant of an infrastructure licence; or
 - (e) the grant of a pipeline licence.

General requirements

- (2) The offer document must contain:
 - (a) a summary of the conditions to which the permit, lease or licence will be subject; and
 - (b) a statement to the effect that the application will lapse if the applicant does not make a request under section 260.

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Payment for cash-bid petroleum exploration permit

- (3) If the offer document relates to an application for the grant of a cash-bid petroleum exploration permit, the offer document must:
- (a) specify, as the permit price:
 - (i) the amount of the cash bid, or tie-breaking cash bid, in relation to which the offer document is given; or
 - (ii) in the case of an offer document given under section 112—the amount of the reserve price determined under section 110 for the grant of the permit; and
 - (b) specify, as the balance of the permit price, an amount equal to the difference between the permit price and the deposit given by the applicant under section 111; and
 - (c) contain a statement to the effect that if the applicant does not pay the balance of the permit price to the Commonwealth within the period allowed for making a request under section 260:
 - (i) the application will lapse; and
 - (ii) except in the case of an offer document given under section 112—the applicant's deposit will be forfeited to the Titles Administrator on behalf of the Commonwealth.

Note: An offer document may be given under section 112 for the grant of a permit at the reserve price to an applicant whose cash bid is less than the reserve price.

Payment for special petroleum exploration permit

- (4) If the offer document relates to an application for the grant of a special petroleum exploration permit, the offer document must:
- (a) specify the balance of the amount that the applicant must pay for the permit; and
 - (b) contain a statement to the effect that the application will lapse if the applicant does not pay the balance to the Commonwealth within the period allowed for making a request under section 260.

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Payment for cash-bid petroleum production licence over surrendered blocks etc.

- (5) If the offer document is given under section 180 to an applicant for a petroleum production licence, the offer document must:
- (a) specify the balance of the amount that the applicant must pay for the licence; and
 - (b) contain a statement to the effect that the application will lapse if the applicant does not pay the balance to the Commonwealth within the period allowed for making a request under section 260.

260 Acceptance of offer—request by applicant

- (1) The table has effect:

Acceptance of offer by applicant			
Item	Column 1	Column 2	Column 3
	If an offer document relates to an application for the grant of...	the applicant may, within...	by written notice given to the Titles Administrator, request the Joint Authority to grant the applicant...
1	a work-bid petroleum exploration permit	whichever of the following periods is applicable: (a) 30 days after the offer document was given to the applicant; (b) such longer period, not more than 60 days after the offer document was given to the applicant, as the Titles Administrator allows;	the permit.

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Acceptance of offer by applicant			
Item	Column 1	Column 2	Column 3
	If an offer document relates to an application for the grant of...	the applicant may, within...	by written notice given to the Titles Administrator, request the Joint Authority to grant the applicant...
2	a cash-bid petroleum exploration permit	14 days after the offer document was given to the applicant,	the permit.
3	a special petroleum exploration permit	whichever of the following periods is applicable: (a) 90 days after the offer document was given to the applicant; (b) such longer period, not more than 180 days after the offer document was given to the applicant, as the Titles Administrator allows;	the permit.
4	the renewal of a petroleum exploration permit	30 days after the offer document was given to the applicant,	the renewal of the permit.

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Acceptance of offer by applicant			
Item	Column 1	Column 2	Column 3
	If an offer document relates to an application for the grant of...	the applicant may, within...	by written notice given to the Titles Administrator, request the Joint Authority to grant the applicant...
5	a petroleum retention lease	whichever of the following periods is applicable: (a) 30 days after the offer document was given to the applicant; (b) such longer period, not more than 60 days after the offer document was given to the applicant, as the Titles Administrator allows;	the lease.
6	the renewal of a petroleum retention lease	30 days after the offer document was given to the applicant,	the renewal of the lease.
7	a petroleum production licence	whichever of the following periods is applicable: (a) 90 days after the offer document was given to the applicant; (b) such longer period, not more than 180 days after the offer document was given to the applicant, as the Titles Administrator allows;	the licence.

Section 260

Acceptance of offer by applicant			
Item	Column 1	Column 2	Column 3
	If an offer document relates to an application for the grant of...	the applicant may, within...	by written notice given to the Titles Administrator, request the Joint Authority to grant the applicant...
8	the renewal of a petroleum production licence	30 days after the offer document was given to the applicant,	the renewal of the licence.
9	an infrastructure licence	whichever of the following periods is applicable: (a) 90 days after the offer document was given to the applicant; (b) such longer period, not more than 180 days after the offer document was given to the applicant, as the Titles Administrator allows;	the licence.
10	a pipeline licence	whichever of the following periods is applicable: (a) 90 days after the offer document was given to the applicant; (b) such longer period, not more than 180 days after the offer document was given to the applicant, as the Titles Administrator allows;	the licence.

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Longer periods

- (2) The Titles Administrator may allow a longer period under paragraph (b) of column 2 of item 1 or 5 of the table only on written application made by the applicant within the period of 30 days mentioned in paragraph (a) of that column.
- (3) The Titles Administrator may allow a longer period under paragraph (b) of column 2 of item 3, 7, 9 or 10 of the table only on written application made by the applicant within the period of 90 days mentioned in paragraph (a) of that column.

Application lapses if request not made within the applicable period

- (4) If an applicant does not make a request under an item of the table, except item 2, within the period applicable under column 2 of the table, the application lapses at the end of that period.

Note: For the failure to request the grant of cash-bid petroleum exploration permits under item 2 of the table, or the failure to pay for such permits, see section 260A.

260A Cash-bid petroleum exploration permits—failure to respond to offer

Scope

- (1) This section applies if:
 - (a) an offer document has been given to an applicant (the ***non-responding applicant***) for the grant of a cash-bid petroleum exploration permit who has made a cash bid, or a tie-breaking cash bid, for the grant of the permit; and
 - (b) at the end of the applicable period under section 260, the non-responding applicant:
 - (i) has not made a request under that section; or
 - (ii) has not paid the amount specified in the offer document as the balance of the permit price that the applicant must pay for the permit.

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Lapse of application and forfeit of deposit

- (2) At the end of the applicable period:
- (a) the application lapses; and
 - (b) unless the offer document was given under section 112—an amount equal to the non-responding applicant's deposit under section 111 is forfeited to the Commonwealth; and
 - (c) if the offer document was given under section 112—the Titles Administrator, on behalf of the Commonwealth, must refund to the non-responding applicant an amount equal to that applicant's deposit under section 111.

Further offers

- (3) The following table requires or allows an offer document to be given to an applicant other than the non-responding applicant by applying sections 112, 112A and 112B as if applicants whose applications have lapsed or been rejected (***lapsed or rejected applicants***), including the non-responding applicant, had not made cash bids.

Further offers		
Item	If ...	then, at the end of the applicable period ...
1	there are any cash bids for the permit remaining at the end of the applicable period (apart from those made by lapsed or rejected applicants) that are equal to or higher than the reserve price determined under section 110	sections 112A and 112B apply as if the lapsed or rejected applicants had not made cash bids under section 111.

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Further offers

Item	If ...	then, at the end of the applicable period ...
2	(a) the reserve price determined under section 110 for the grant of the permit is not specified in the notice under subsection 110(1); and (b) the only remaining cash bids under section 111 (apart from those made by lapsed or rejected applicants) are less than the reserve price	section 112 applies as if the lapsed or rejected applicants had not made cash bids under section 111.

Note: Sections 112, 112A and 112B set out the circumstances in which the Joint Authority may, or must, give an offer document to an applicant for a cash-bid petroleum exploration permit.

261 Special petroleum exploration permits and s 181 petroleum production licences—failure to pay

If:

- (a) an offer document specifies the balance of the amount that the applicant must pay to the Commonwealth for the grant of:
 - (i) a special petroleum exploration permit; or
 - (ii) a section 181 petroleum production licence; and
 - (b) the applicant has not paid that balance within the period applicable under column 2 of the table in subsection 260(1);
- the application lapses at the end of that period.

262 Consultation—adverse decisions

Scope

- (1) This section applies to a decision set out in the table, and the ***affected person*** in relation to that decision is set out in the table.

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Decisions and affected persons			
Item	Column 1	Column 2	Column 3
	Provision under which decision is made	Decision of the Joint Authority	Affected person
1	section 126	refusal to renew a petroleum exploration permit	the permittee
2	section 149	refusal to grant a petroleum retention lease to a petroleum production licensee	the licensee
3	section 155	refusal to renew a petroleum retention lease	the lessee
4	section 186	refusal to renew a petroleum production licence	the licensee
5	section 223	refusal to grant a pipeline licence to a petroleum production licensee	the licensee
6	section 224	refusal to grant a pipeline licence to a petroleum production licensee	the licensee.
7	section 224	refusal to grant a pipeline licence to a greenhouse gas injection licensee	the licensee.

Consultation

- (2) Before making the decision, the Joint Authority must:
- (a) by written notice given to the affected person, give at least 30 days notice of the Joint Authority's intention to make the decision; and
 - (b) give a copy of the notice to such other persons (if any) as the Joint Authority thinks fit.

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- (3) The notice must:
- (a) set out details of the decision that is proposed to be made; and
 - (b) set out the reasons for the proposal; and
 - (c) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Joint Authority about the proposal; and
 - (d) specify a time limit for making that submission.

Note: All communications to the Joint Authority are to be made through the Titles Administrator—see section 63.

- (4) In deciding whether to make the decision, the Joint Authority must take into account any submissions made in accordance with the notice.

263 Responsible Commonwealth Minister may require information about negotiations for a designated agreement

Scope

- (1) This section applies to the following applications:
- (a) an application under subsection 100(1) for approval to carry on one or more key petroleum operations under a declared petroleum exploration permit;
 - (b) an application under section 137 for approval to carry on one or more key petroleum operations under a declared petroleum retention lease;
 - (c) an application under subsection 163(1) for approval to carry on one or more key petroleum operations under a declared petroleum production licence;
- where either or both of the following are relevant to the responsible Commonwealth Minister's decision on the application:
- (d) the existence or non-existence of a designated agreement;
 - (e) the terms of a designated agreement.

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Report about negotiations

- (2) The responsible Commonwealth Minister may, by written notice given to the applicant, require the applicant to give to the responsible Commonwealth Minister, within the period specified in the notice, a written report about negotiations, or attempts at negotiations, relating to:
- (a) the entering into of the designated agreement; and
 - (b) the terms of the designated agreement.

Consequences of breach of requirement

- (3) If the applicant breaches the requirement, the responsible Commonwealth Minister may, by written notice given to the applicant:
- (a) refuse to consider the application; or
 - (b) refuse to take any action, or any further action, in relation to the application.
- (4) Subsection (3) has effect despite any provision of this Act that requires the responsible Commonwealth Minister to:
- (a) consider the application; or
 - (b) take any particular action in relation to the application.

Part 2.11—Variation, suspension and exemption

Division 1—Variation, suspension and exemption decisions relating to petroleum exploration permits, petroleum retention leases, petroleum production licences, infrastructure licences and pipeline licences

264 Variation, suspension and exemption—conditions of titles

When the conditions of a title may be the subject of a variation, suspension or exemption

- (1) This section applies if an event specified in the table happens, or a circumstance specified in the table exists:

When the conditions of a title may be the subject of a variation, suspension or exemption		
Item	Title	Event or circumstance
1	a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence or pipeline licence	the permittee, lessee or licensee applies in writing to the Titles Administrator for: (a) a variation or suspension of any of the conditions to which the permit, lease or licence is subject; or (b) exemption from compliance with any of the conditions to which the permit, lease or licence is subject.

When the conditions of a title may be the subject of a variation, suspension or exemption

Item	Title	Event or circumstance
2	a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence or pipeline licence	the Joint Authority, the responsible Commonwealth Minister, the Titles Administrator or NOPSEMA gives a direction or consent to the permittee, lessee or licensee under: (a) this Chapter; or (b) Chapter 6; or (c) Part 7.1; or (d) the regulations.
3	a petroleum exploration permit or petroleum production licence	the permit or licence is: (a) partly cancelled; or (b) partly revoked; or (c) partly surrendered.
4	a petroleum retention lease	the lease is partly revoked.
5	a petroleum exploration permit, petroleum retention lease or petroleum production licence	the permittee, lessee or licensee consents to the making of a determination under section 282.
6	a petroleum exploration permit, petroleum retention lease or petroleum production licence	the permit, lease or licence is taken to continue in force until the Joint Authority grants, or refuses to grant, the renewal of the permit, lease or licence (see subsections 119(5), 153(5) and 184(6)).
7	a petroleum production licence	the licence is varied under clause 7 of Schedule 4.
8	a petroleum production licence	the licensee enters into an agreement under section 191, or a direction is given to the licensee under that section.
10	a pipeline licence	the licence is partly cancelled.

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When the conditions of a title may be the subject of a variation, suspension or exemption

Item	Title	Event or circumstance
11	a pipeline licence	the licence is varied under section 226 or 227.

- (1A) An application under item 1 of the table in subsection (1) for a variation of any of the conditions to which a permit, lease or licence is subject may be set out in the same document as an application under that item for a suspension of any of the conditions to which the permit, lease or licence is subject.

Variation, suspension or exemption

- (2) The Joint Authority may, by written notice given to the permittee, lessee or licensee:
- (a) vary; or
 - (b) suspend; or
 - (c) exempt the permittee, lessee or licensee from compliance with;
- any of the conditions to which the permit, lease, or licence is subject, on such conditions (if any) as are specified in the notice.
- (2A) A variation under subsection (2) may be in the same notice as a suspension under that subsection.
- (3) Subsection (2) does not authorise the giving of a notice to the extent that it would affect a condition of a petroleum exploration permit, petroleum retention lease or petroleum production licence requiring compliance with the Royalty Act.

Notice of refusal of application

- (3A) If:
- (a) an application is made under item 1 of the table in subsection (1); and

- (b) the Joint Authority refuses the application;
the Joint Authority must:
 - (c) by written notice given to the applicant, notify the applicant of the refusal; and
 - (d) do so as soon as practicable after the refusal.

When variation takes effect

- (4) A variation of a petroleum production licence, infrastructure licence or pipeline licence under this section takes effect on the day on which notice of the variation is published in the *Gazette*.
- (5) A variation of a petroleum exploration permit or petroleum retention lease under this section takes effect on the day on which notice of the variation is given to the permittee or lessee.

265 Extension of term of petroleum exploration permit or petroleum retention lease—suspension of conditions

Scope

- (1) This section applies if, under section 264, the Joint Authority decides to suspend any of the conditions to which a petroleum exploration permit or petroleum retention lease is subject.

Extension of term

- (2) If the Joint Authority considers that the circumstances make it reasonable to do so, the Joint Authority may extend the term of the permit or lease by a period that the Joint Authority considers appropriate.
- (3) In considering what period of extension may be appropriate, the Joint Authority must have regard to:
 - (a) the length of the period of suspension; and
 - (b) such other matters (if any) as the Joint Authority considers relevant.

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- (4) The extension may be:
 - (a) in the notice of suspension; or
 - (b) by a later written notice given to the permittee or lessee.
- (5) Subsection (2) has effect subject to this Chapter but despite:
 - (a) in the case of a petroleum exploration permit—section 102; and
 - (b) in the case of a petroleum retention lease—section 139.

265A Extension of term of petroleum exploration permit or petroleum retention lease pending decision on application for suspension of conditions

- (1) If:
 - (a) a petroleum exploration permittee or a petroleum retention lessee applies for a suspension of any of the conditions to which the permit or lease is subject; and
 - (b) the permit or lease would, apart from this subsection, expire before the Joint Authority makes a decision on the application;the permit or lease continues in force until the Joint Authority makes a decision on the application.
- (2) If the Joint Authority refuses the application, the permit or lease continues in force until the end of:
 - (a) the period of 2 months that began when notice of the refusal was given to the permittee or lessee; or
 - (b) such longer period as the Joint Authority allows.
- (3) If a petroleum exploration permit or a petroleum retention lease continues in force during a period under subsection (2), the permittee or lessee is not entitled to make an application during that period for a suspension of any of the conditions to which the permit or lease is subject.

- (4) Subsections (1) and (2) have effect subject to this Chapter but despite:
- (a) in the case of a petroleum exploration permit—section 102;
and
 - (b) in the case of a petroleum retention lease—section 139.

Note: See the notes at the end of sections 102 and 139.

266 Suspension of rights—petroleum exploration permit or petroleum retention lease

Suspension of rights

- (1) If the Joint Authority is satisfied that it is necessary to do so in the national interest, the Joint Authority must, by written notice given to a petroleum exploration permittee or petroleum retention lessee, suspend, either:
- (a) for a specified period; or
 - (b) indefinitely;
- any or all of the rights conferred by the permit or lease.

Note: See also section 780 (compensation for acquisition of property).

- (2) If any rights are suspended under subsection (1), any conditions that must be complied with in the exercise of those rights are also suspended.

Termination of suspension

- (3) The Joint Authority may, by written notice given to the permittee or lessee, terminate a suspension of rights under subsection (1).

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267 Extension of term of petroleum exploration permit or petroleum retention lease—suspension of rights

Scope

- (1) This section applies if rights conferred by a petroleum exploration permit or petroleum retention lease are suspended under section 266.

Extension of term

- (2) The Joint Authority may extend the term of the permit or lease by a period not more than the period of the suspension.
- (3) The extension may be:
 - (a) in the notice of suspension; or
 - (b) by a later written notice given to the permittee or lessee.

267A Variation of Commonwealth title—including an area as the result of a change to the boundary of the coastal waters of a State or Territory

Scope

- (1) This section applies if:
 - (a) a State/Territory title has been granted by a State or the Northern Territory on the basis that an area (the ***relevant area***) is within the coastal waters of the State or Territory; and
 - (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the relevant area:
 - (i) ceases to be within the coastal waters of the State or Territory; and
 - (ii) falls within the offshore area of the State or Territory; and
 - (c) either:

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- (i) the conditions set out in subsection (2) are satisfied; or
- (ii) the conditions set out in subsection (3) are satisfied; and
- (d) immediately before the relevant time mentioned in whichever of subsection (2) or (3) is applicable:
 - (i) the State/Territory title was held by the registered holder of a Commonwealth title that corresponds to the State/Territory title; and
 - (ii) at least one section 33 block covered by the Commonwealth title immediately adjoined at least one other section 33 block that was covered by the State/Territory title and that is in the relevant area; and
- (e) before the relevant time mentioned in whichever of subsection (2) or (3) is applicable:
 - (i) the holder of the State/Territory title; and
 - (ii) the registered holder of the Commonwealth title;gave the Joint Authority a written notice electing to accept the variation under this section of the Commonwealth title.

Note: For when a Commonwealth title corresponds to a State/Territory title, see subsection (12).

- (2) The conditions mentioned in subparagraph (1)(c)(i) are:
 - (a) one or more, but not all, of the section 33 blocks that were covered by the State/Territory title immediately before the change are in the relevant area; and
 - (b) the title subsequently ceases to be in force at the same time (the *relevant time*):
 - (i) as to all of the section 33 blocks that were covered by the title immediately before the change and that are in the coastal waters of the State or Territory; and
 - (ii) otherwise than as the result of the cancellation or surrender of the title.

- (3) The conditions mentioned in subparagraph (1)(c)(ii) are:

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- (a) all of the section 33 blocks that were covered by the State/Territory title immediately before the change are in the relevant area; and
- (b) the title subsequently ceases to be in force at the same time (the **relevant time**):
 - (i) as to all of the section 33 blocks that were covered by the title immediately before the change; and
 - (ii) otherwise than as the result of the cancellation or surrender of the title.

Relevant Commonwealth title

- (4) If the conditions set out in paragraphs (1)(d) and (e) are met by only one Commonwealth title, that title is the **relevant Commonwealth title** for the purposes of this section.
- (5) If the conditions set out in paragraphs (1)(d) and (e) would, apart from this subsection, be met by 2 or more Commonwealth titles that have the same registered holder, the Joint Authority must, by written notice given to the registered holder, declare that one of those titles is the **relevant Commonwealth title** for the purposes of this section.

Variation of relevant Commonwealth title

- (6) If the relevant Commonwealth title is a petroleum exploration permit:
 - (a) the Titles Administrator must, by written notice given to the permittee, vary the permit to include in the permit area all of the section 33 blocks that:
 - (i) correspond to the section 33 blocks that were covered by the State/Territory title immediately before the change; and
 - (ii) are in the offshore area of the State or Territory; and
 - (b) the section 33 blocks included in the permit area because of the variation are, for the remainder of the term of the permit, blocks in relation to which the permit is in force.

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- (7) If the relevant Commonwealth title is a petroleum retention lease:
- (a) the Titles Administrator must, by written notice given to the lessee, vary the lease to include in the lease area all of the section 33 blocks that:
 - (i) correspond to the section 33 blocks that were covered by the State/Territory title immediately before the change; and
 - (ii) are in the offshore area of the State or Territory; and
 - (b) the section 33 blocks included in the lease area because of the variation are, for the remainder of the term of the lease, blocks in relation to which the lease is in force.
- (8) If the relevant Commonwealth title is a fixed-term petroleum production licence:
- (a) the Titles Administrator must, by written notice given to the licensee, vary the licence to include in the licence area all of the section 33 blocks that:
 - (i) correspond to the section 33 blocks that were covered by the State/Territory title immediately before the change; and
 - (ii) are in the offshore area of the State or Territory; and
 - (b) the section 33 blocks included in the licence area because of the variation are, for the remainder of the term of the licence, blocks in relation to which the licence is in force.
- (9) Paragraphs (6)(b), (7)(b) and (8)(b) have effect subject to this Chapter.
- (10) A variation under paragraph (6)(a), (7)(a) or (8)(a) takes effect immediately after the relevant time mentioned in whichever of subsection (2) or (3) is applicable.

When a block immediately adjoins another block

- (11) For the purposes of this section, a section 33 block immediately adjoins another section 33 block if:

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- (a) the graticular section that constitutes or includes that section 33 block and the graticular section that constitutes or includes that other section 33 block:
 - (i) have a side in common; or
 - (ii) are joined together at one point only; or
- (b) that section 33 block and that other section 33 block are in the same graticular section.

When a Commonwealth title corresponds to a State/Territory title

- (12) For the purposes of this section:
 - (a) a petroleum exploration permit granted otherwise than by way of renewal corresponds to a State/Territory petroleum exploration title granted otherwise than by way of renewal; and
 - (b) a petroleum retention lease corresponds to a State/Territory petroleum retention title; and
 - (c) a fixed-term petroleum production licence granted otherwise than by way of renewal corresponds to a fixed-term State/Territory petroleum production title granted otherwise than by way of renewal; and
 - (d) a petroleum exploration permit granted by way of first renewal corresponds to a State/Territory petroleum exploration title granted by way of first renewal; and
 - (e) a fixed-term petroleum production licence granted by way of first renewal corresponds to a fixed-term State/Territory petroleum production title granted by way of first renewal; and
 - (f) a petroleum exploration permit granted by way of second renewal corresponds to a State/Territory petroleum exploration title granted by way of second renewal; and
 - (g) a fixed-term petroleum production licence granted by way of second or subsequent renewal corresponds to a fixed-term State/Territory petroleum production title granted by way of second or subsequent renewal.

Deemed section 33 block

- (13) If, after the change to the boundary of the coastal waters of the State or Territory:
- (a) a part of a section 33 block that was covered by the State/Territory title immediately before the change is in the coastal waters of the State or Territory; and
 - (b) the remaining part of the section 33 block is in the offshore area of the State or Territory;
- then, for the purposes of this section (other than this subsection), each of those parts is taken to constitute, and to have always constituted, a section 33 block.

Definitions

- (14) In this section:

Commonwealth title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a fixed-term petroleum production licence.

section 33 block means:

- (a) a block constituted as provided by section 33; or
- (b) if a graticular section is wholly within the area that was covered by the State/Territory petroleum title concerned—the graticular section; or
- (c) if a part only of a graticular section is within the area that was covered by the State/Territory petroleum title concerned—that part of the graticular section.

Note: See also subsection (13).

State/Territory title means:

- (a) a State/Territory petroleum exploration title; or
- (b) a State/Territory petroleum retention title; or
- (c) a fixed-term State/Territory petroleum production title.

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**Division 2—Variation, suspension and exemption decisions
relating to petroleum special prospecting
authorities and petroleum access authorities**

**268 Variation, suspension and exemption—conditions of petroleum
special prospecting authorities and petroleum access
authorities**

*When the conditions of a title may be the subject of a variation,
suspension or exemption*

- (1) This section applies if an event specified in the table happens, or a circumstance specified in the table exists:

When the conditions of a title may be the subject of a variation, suspension or exemption		
Item	Title	Event or circumstance
1	a petroleum access authority	a petroleum access authority is in force over the whole or a part of a block that is the subject of a petroleum exploration permit, petroleum retention lease or petroleum production licence.
2	a petroleum access authority	the Titles Administrator varies a petroleum access authority over a block that is the subject of a petroleum exploration permit, petroleum retention lease or petroleum production licence.

When the conditions of a title may be the subject of a variation, suspension or exemption

Item	Title	Event or circumstance
3	a petroleum special prospecting authority or petroleum access authority	the registered holder of the authority applies in writing to the Titles Administrator for: (a) a variation or suspension of any of the conditions to which the authority is subject; or (b) exemption from compliance with any of the conditions to which the authority is subject.
4	a petroleum special prospecting authority or petroleum access authority	the Titles Administrator or NOPSEMA gives a direction or consent to the registered holder of the authority under: (a) this Chapter; or (b) Chapter 6; or (c) Part 7.1; or (d) the regulations.

Variation, suspension or exemption

- (2) The Titles Administrator may, by written notice given to the registered holder of the authority:
- (a) vary; or
 - (b) suspend; or
 - (c) exempt the registered holder from compliance with; any of the conditions to which the authority is subject, on such conditions (if any) as are specified in the notice.

Part 2.12—Surrender of titles

Division 1—Surrender of petroleum exploration permits, petroleum production licences, petroleum retention leases, infrastructure licences and pipeline licences

269 Application for consent to surrender title

(1) The table has effect:

Surrender		
Item	The registered holder of...	may apply to the Titles Administrator for consent to surrender...
1	a petroleum exploration permit	the permit as to some or all of the blocks in relation to which the permit is in force.
2	a petroleum production licence	the licence as to some or all of the blocks in relation to which the licence is in force.
3	a petroleum retention lease	the lease.
4	an infrastructure licence	the licence.
5	a pipeline licence	the licence as to the whole or a part of the pipeline in relation to which the licence is in force.

(2) An application under subsection (1) must be in writing.

270 Consent to surrender title

Scope

- (1) This section applies if an application is made under section 269 for a consent.

Decision

- (2) The Joint Authority may, by written notice given to the applicant:
- (a) give consent; or
 - (b) refuse to consent.

Criteria

- (3) The Joint Authority may consent to the surrender sought by the application only if the registered holder of the permit, lease or licence:
- (a) has paid all fees and amounts payable by the holder under the following:
 - (i) this Act;
 - (ii) the Royalty Act;
 - (iii) section 10E of the Regulatory Levies Act;or has made arrangements that are satisfactory to the Titles Administrator for the payment of those fees and amounts; and
 - (b) has complied with the conditions to which the permit, lease or licence is subject and with the provisions of:
 - (i) this Chapter; and
 - (ii) Chapter 4; and
 - (iii) Chapter 6; and
 - (iv) Part 7.1; and
 - (v) the regulations; and
 - (c) has:
 - (i) to the satisfaction of NOPSEMA, removed or caused to be removed from the surrender area (defined by

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Division 1 Surrender of petroleum exploration permits, petroleum production licences, petroleum retention leases, infrastructure licences and pipeline licences

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subsection (7)) all property brought into the surrender area by any person engaged or concerned in the operations authorised by the permit, lease or licence; or

(ii) made arrangements that are satisfactory to NOPSEMA in relation to that property; and

(d) has, to the satisfaction of NOPSEMA, plugged or closed off all wells made in the surrender area by any person engaged or concerned in the operations authorised by the permit, lease or licence; and

(e) has provided, to the satisfaction of NOPSEMA, for the conservation and protection of the natural resources in the surrender area; and

(f) has, to the satisfaction of NOPSEMA, made good any damage to the seabed or subsoil in the surrender area caused by any person engaged or concerned in the operations authorised by the permit, lease or licence;

but, if the registered holder has complied with those requirements, the Joint Authority must not unreasonably refuse consent to the surrender.

(4) Paragraph (3)(e) has effect subject to:

(a) this Chapter; and

(b) Chapter 6; and

(c) the regulations.

Sufficient grounds

(5) Despite subsection (3), if:

(a) any of:

(i) the conditions to which the permit, lease or licence is subject; or

(ii) the provisions of this Chapter, Chapter 4, Chapter 6 and Part 7.1; or

(iii) the provisions of the regulations;
have not been complied with; and

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- (b) the Joint Authority is satisfied that there are sufficient grounds to warrant the giving of consent to the surrender sought by the application;

the Joint Authority may give consent under subsection (2) to the surrender sought by the application.

Work-bid petroleum exploration permit—compliance with work condition

- (6) For the purposes of this section, if:
- (a) the application for consent relates to a work-bid petroleum exploration permit; and
 - (b) a condition of the permit requires the registered holder to carry out specified work during a period specified in the permit; and
 - (c) the application is made during such a period;
- the registered holder of the permit is taken not to have complied with the condition unless the holder has completed the work specified for the period mentioned in paragraph (c).

Surrender area

- (7) For the purposes of this section, the **surrender area** is worked out using the table:

Surrender area		
Item	In the case of a surrender of...	the <i>surrender area</i> is...
1	a petroleum exploration permit or petroleum production licence	the area constituted by the blocks as to which the permit or licence is proposed to be surrendered.
2	a petroleum retention lease	the lease area.
3	an infrastructure licence	the licence area.

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Surrender area		
Item	In the case of a surrender of...	the <i>surrender area</i> is...
4	a pipeline licence	(a) in the case of the surrender of the licence as to the whole of the pipeline in relation to which the licence is in force—the part of the offshore area in which the pipeline is constructed; or (b) in the case of the surrender of the licence as to a part of the pipeline in relation to which the licence is in force—the part of the offshore area in which the part of the pipeline is constructed.

271 Surrender of title

Scope

- (1) This section applies if the Joint Authority consents under section 270 to:
- (a) the surrender, in whole or in part, of:
 - (i) a petroleum exploration permit; or
 - (ii) a petroleum production licence; or
 - (iii) a pipeline licence; or
 - (b) the surrender of:
 - (i) a petroleum retention lease; or
 - (ii) an infrastructure licence.

Surrender

- (2) The registered holder of the permit, lease or licence may, by written notice given to the Titles Administrator, surrender the whole or the part, as the case may be, of the permit, lease or licence.

When surrender takes effect

- (3) The surrender takes effect on the day on which notice of the surrender is published in the *Gazette*.

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Division 2—Surrender of petroleum special prospecting authorities and petroleum access authorities

272 Surrender of petroleum special prospecting authority

The registered holder of a petroleum special prospecting authority may, by written notice given to the Titles Administrator, surrender the petroleum special prospecting authority.

273 Surrender of petroleum access authority

The registered holder of a petroleum access authority may, by written notice given to the Titles Administrator, surrender the petroleum access authority.

Part 2.13—Cancellation of titles

Division 1—Cancellation of petroleum exploration permits, petroleum production licences, petroleum retention leases, infrastructure licences and pipeline licences

274 Grounds for cancellation of title

For the purposes of this Division, each of the following is a ground for cancelling a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence or pipeline licence:

- (a) the registered holder has not complied with a condition to which the permit, lease or licence is subject;
- (b) the registered holder has not complied with a direction given to the holder by the responsible Commonwealth Minister, NOPSEMA, the Titles Administrator or the Joint Authority under this Chapter, Chapter 6 or Part 7.1;
- (c) the registered holder has not complied with a provision of:
 - (i) this Chapter; or
 - (ii) Chapter 4; or
 - (iii) Chapter 6; or
 - (iv) Part 7.1; or
 - (v) the regulations;
- (d) the registered holder has not paid an amount payable by the holder under:
 - (i) this Act; or
 - (ii) the Royalty Act; or
 - (iii) section 10E of the Regulatory Levies Act;within the period of 90 days after the day on which the amount became payable.

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Part 2.13 Cancellation of titles

Division 1 Cancellation of petroleum exploration permits, petroleum production licences, petroleum retention leases, infrastructure licences and pipeline licences

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275 Cancellation of title

(1) The table has effect:

Cancellation		
Item	If there is a ground for cancelling...	the Joint Authority may, by written notice given to the registered holder,...
1	a petroleum exploration permit	cancel the permit as to some or all of the blocks in relation to which the permit is in force.
2	a petroleum retention lease	cancel the lease as to all of the blocks in relation to which the lease is in force.
3	a petroleum production licence	cancel the licence as to some or all of the blocks in relation to which the licence is in force.
4	an infrastructure licence	cancel the licence.
5	a pipeline licence	cancel the pipeline licence as to the whole or a part of the pipeline in relation to which the licence is in force.

Note: Consultation procedures apply—see section 276.

- (2) In exercising a power conferred by subsection (1), the Joint Authority must take into account any action taken by the registered holder:
- (a) to remove the ground of cancellation; or
 - (b) to prevent the recurrence of similar grounds.
- (3) A cancellation takes effect on the day on which notice of the cancellation is published in the *Gazette*.

276 Consultation

- (1) Before making a decision under subsection 275(1), the Joint Authority must:

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- (a) by written notice given to the registered holder, give at least 30 days notice of the Joint Authority's intention to make the decision; and
 - (b) give a copy of the notice to such other persons (if any) as the Joint Authority thinks fit.
- (2) The notice must:
- (a) set out details of the decision that is proposed to be made; and
 - (b) set out the reasons for the proposal; and
 - (c) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the Joint Authority about the proposal; and
 - (d) specify a time limit for making that submission.
- Note: All communications to the Joint Authority are to be made through the Titles Administrator—see section 63.
- (3) In deciding whether to make the decision, the Joint Authority must take into account any submissions made in accordance with the notice.

277 Cancellation of title not affected by other provisions*Cancellation on ground of non-compliance*

- (1) If:
- (a) the registered holder of a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence or pipeline licence has not complied with a provision of:
 - (i) this Chapter; or
 - (ii) Chapter 4; or
 - (iii) Chapter 6; or
 - (iv) Part 7.1; or
 - (v) the regulations; and

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- (b) the holder has been convicted of an offence relating to that non-compliance;

the Joint Authority may exercise a power of cancellation under subsection 275(1) on the ground of that non-compliance, even though the holder has been convicted of that offence.

(2) If:

- (a) a person who was the registered holder of a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence or pipeline licence has not complied with a provision of:

- (i) this Chapter; or
- (ii) Chapter 4; or
- (iii) Chapter 6; or
- (iv) Part 7.1; or
- (v) the regulations; and

- (b) the Joint Authority has exercised a power of cancellation under subsection 275(1) on the ground of that non-compliance;

the person may be convicted of an offence relating to the non-compliance, even though the Joint Authority has exercised that power of cancellation.

Cancellation on ground of non-payment

(3) If:

- (a) the registered holder of a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence or pipeline licence has not paid an amount payable by the holder under:

- (i) this Act; or
- (ii) the Royalty Act; or
- (iii) section 10E of the Regulatory Levies Act; within the period of 90 days after the day on which the amount became payable; and

- (b) either:

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- (i) judgment for the amount has been obtained; or
- (ii) the amount, or any part of the amount, has been paid or recovered;

the Joint Authority may exercise a power of cancellation under subsection 275(1) on the ground of that non-payment, even though:

- (c) judgment for the amount has been obtained; or
- (d) the amount, or a part of the amount, has been paid or recovered.

(4) If:

- (a) a person who was the registered holder of a petroleum exploration permit, petroleum retention lease, petroleum production licence, infrastructure licence or pipeline licence has not paid an amount payable by the person under:

- (i) this Act; or
 - (ii) the Royalty Act; or
 - (iii) section 10E of the Regulatory Levies Act;
- within the period of 90 days after the day on which the amount became payable; and

- (b) the Joint Authority has exercised a power of cancellation under subsection 275(1) on the ground of that non-payment;

the person continues to be liable to pay:

- (c) that amount; and
- (d) any late payment penalty relating to that amount;

even though the Joint Authority has exercised that power of cancellation.

277A NOPSEMA to notify the Titles Administrator of grounds for cancellation of title

If NOPSEMA reasonably believes that there is a ground for cancelling:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence; or

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- (d) an infrastructure licence; or
 - (e) a pipeline licence;
- NOPSEMA must notify the Titles Administrator of:
- (f) the belief; and
 - (g) the reasons for the belief.

Division 2—Cancellation of petroleum special prospecting authorities

278 Cancellation of petroleum special prospecting authority

The Titles Administrator may, by written notice given to the registered holder of a petroleum special prospecting authority, cancel the petroleum special prospecting authority if the holder has breached a condition of the petroleum special prospecting authority.

Part 2.14—Other provisions

279 Reservation of blocks

- (1) If the following conditions are satisfied in relation to a particular block:
- (a) there is no petroleum exploration permit, petroleum retention lease or petroleum production licence over the block;
 - (b) there is no place in the block that is an infrastructure licence area;
 - (c) there is no pipeline over or in the block;
 - (d) there are no pending applications for the grant of a petroleum exploration permit or petroleum production licence over the block;
 - (e) there are no pending applications for the grant of an infrastructure licence relating to a place in the block;
 - (f) there are no pending applications for the grant of a pipeline licence relating to a pipeline or proposed pipeline over or in the block;

the Joint Authority may, by notice published in the *Gazette*, declare that:

- (g) the block is not to be the subject of a petroleum exploration permit, petroleum retention lease, petroleum production licence, petroleum special prospecting authority or petroleum access authority; and
 - (h) an infrastructure licence is not to be granted in relation to a place within the block; and
 - (i) a pipeline licence is not to be granted in relation to a pipeline over or in the block.
- (2) If a declaration under subsection (1) is in force in relation to a block:
- (a) a petroleum exploration permit, petroleum retention lease, petroleum production licence, petroleum special prospecting

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authority or petroleum access authority must not be granted over that block; and

- (b) an infrastructure licence must not be granted in relation to a place within that block; and
- (c) a pipeline licence must not be granted in relation to a pipeline over or in that block.

(3) Subsection (2) has effect despite any other provision of this Act.

280 Interference with other rights

Scope

- (1) This section applies to the following:
 - (a) a petroleum exploration permit;
 - (b) a petroleum retention lease;
 - (c) a petroleum production licence;
 - (d) an infrastructure licence;
 - (e) a pipeline licence;
 - (f) a petroleum special prospecting authority;
 - (g) a petroleum access authority;
 - (h) a petroleum scientific investigation consent.

Requirement

- (2) A person (the **first person**) carrying on activities in an offshore area under the permit, lease, licence, authority or consent must carry on those activities in a manner that does not interfere with:
 - (a) navigation; or
 - (b) fishing; or
 - (c) the conservation of the resources of the sea and seabed; or
 - (d) any activities of another person being lawfully carried on by way of:
 - (i) exploration for, recovery of or conveyance of a mineral (whether petroleum or not); or
 - (ii) construction or operation of a pipeline; or

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- (e) the enjoyment of native title rights and interests (within the meaning of the *Native Title Act 1993*);
to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of the first person.

Offence

- (3) A person commits an offence if:
 - (a) the person is subject to a requirement under subsection (2);
and
 - (b) the person engages in conduct; and
 - (c) the person's conduct breaches the requirement.

Penalty: 100 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty

- (5) A person is liable to a civil penalty if the person contravenes a requirement under subsection (2).

Civil penalty: 265 penalty units.

281 No conditions about payment of money

- (1) There must not be included in:
 - (a) a petroleum exploration permit; or
 - (b) a petroleum retention lease; or
 - (c) a petroleum production licence; or
 - (d) an infrastructure licence; or
 - (e) a pipeline licence; or
 - (f) any other instrument under this Act;a condition requiring the payment of money to NOPSEMA, the Titles Administrator, the Joint Authority or the Commonwealth.

- (2) Subsection (1) does not apply to an amount payable under the Royalty Act.

282 Certain portions of blocks to be blocks

Scope

- (1) This section applies if the area in relation to which a title is in force includes one or more portions of a section 33 block.

Note: This would be the case (for example) if the boundaries of a title area do not conform to the graticular system established by this Act.

Portion of a block to be a block

- (2) For the purposes of this Act:
- (a) the area of that portion or those portions constitutes a block (a **type A block**); and
 - (b) the area of the remaining portion or portions of the section 33 block (but not including any part of that area in relation to which another title is in force) constitutes a block (a **type B block**).

Amalgamation of portions of blocks

- (3) If a title ceases to be in force in relation to a type A block (the **first type A block**), the Titles Administrator may, by written instrument, if the Titles Administrator considers it desirable to do so, determine that the first type A block be amalgamated with:
- (a) another type A block or blocks, so long as the following conditions are satisfied in relation to the other type A block or blocks:
 - (i) the other type A block or blocks form part of the graticular section of which the first type A block forms part;
 - (ii) a petroleum exploration permit, petroleum retention lease or petroleum production licence is in force in relation to the other type A block or blocks; or
 - (b) both:

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- (i) another type A block or blocks covered by paragraph (a); and
 - (ii) a type B block that forms part of the graticular section of which the first type A block forms part.
- (4) If a determination is made under subsection (3), then, for the purposes of this Act:
 - (a) the blocks the subject of the determination cease to constitute blocks; and
 - (b) the areas of those blocks together constitute a block; and
 - (c) the block constituted as a result of the determination is, subject to this Act, for the remainder of the term of the permit, lease or licence concerned, a block in relation to which the permit, lease or licence is in force.
- (5) The Titles Administrator must not make a determination under subsection (3) except with the consent of the permittee, lessee or licensee concerned.

Definitions

- (6) In this section:

section 33 block means a block constituted as provided by section 33.

title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence; or
- (d) a prescribed instrument.

283 Changes to the boundary of the coastal waters of a State or Territory

Change to coastal waters boundary results in an area ceasing to be within the offshore area of a State or Territory

- (1) If:
- (a) a Commonwealth title has been granted on the basis that an area (the **first area**) is within the offshore area of a State or the Northern Territory; and
 - (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the first area:
 - (i) ceases to be within the offshore area of the State or Territory; and
 - (ii) falls within the coastal waters of the State or Territory;
- this Act applies in relation to the Commonwealth title as if the first area were still within the offshore area in relation to the State or Territory.

Note: The **offshore area** of a State or Territory is defined by section 8.

- (2) Subsection (1) continues to apply to the first area only while the Commonwealth title remains in force.

Change to coastal waters boundary results in an area ceasing to be within the coastal waters of a State or Territory

- (3) If:
- (a) a State/Territory title has been granted by a State or the Northern Territory on the basis that an area (the **second area**) is within the coastal waters of the State or Territory; and
 - (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the second area:
 - (i) ceases to be within the coastal waters of the State or Territory; and
 - (ii) falls within the offshore area of the State or Territory;
- then, so far as the State/Territory title is concerned, this Act does not apply to the second area.

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Note: The *offshore area* of a State or Territory is defined by section 8.

- (4) Subsection (3) continues to apply to the second area only while the State/Territory title remains in force.

Application

- (5) This section applies to a change to the boundary of the coastal waters of a State or Territory, whether occurring before, at or after the commencement of this section.

Definitions

- (6) In this section:

Commonwealth title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence; or
- (d) an infrastructure licence; or
- (e) a pipeline licence.

State/Territory title means an instrument under a law of a State or the Northern Territory that confers, in relation to the coastal waters of the State or Territory, some or all of the rights that a Commonwealth title confers in relation to the offshore area of the State or Territory.

Note: The *offshore area* of a State or Territory is defined by section 8.

284 Notification of discovery of petroleum in petroleum exploration permit area, petroleum retention lease area or petroleum production licence area

Scope

- (1) This section applies if petroleum is discovered in a petroleum exploration permit area, a petroleum retention lease area or a petroleum production licence area.

Notification

- (2) The permittee, lessee or licensee must inform the Titles Administrator of the discovery before the end of the 30-day period that began on the day of completion of the well that resulted in the discovery.
- (4) Subsection (2) does not apply if the petroleum is discovered by:
 - (a) a greenhouse gas assessment permittee; or
 - (b) a greenhouse gas holding lessee; or
 - (c) a greenhouse gas injection licensee.

Offence

- (5) A person commits an offence of strict liability if:
 - (a) the person is subject to a requirement under subsection (2); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 100 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty

- (7) A person is liable to a civil penalty if the person contravenes a requirement under subsection (2).

Civil penalty: 150 penalty units.

Continuing offences and continuing contraventions of civil penalty provisions

- (8) The maximum penalty for each day that an offence under subsection (5) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (5) is a continuing offence under section 4K of the *Crimes Act 1914*.

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- (9) The maximum civil penalty for each day that a contravention of subsection (7) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (7) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

285 Property in petroleum not recovered from a Greater Sunrise unit reservoir

Scope

- (1) This section applies if petroleum (other than petroleum from the Greater Sunrise unit reservoirs) is recovered:
- (a) by a petroleum exploration permittee in the permit area; or
 - (b) by a petroleum retention lessee in the lease area; or
 - (c) by a petroleum production licensee in the licence area.

Property

- (2) The petroleum becomes the property of the permittee, lessee or licensee.
- (3) The petroleum is not subject to any rights of other persons (other than a person to whom the permittee, lessee or licensee transfers, assigns or otherwise disposes of the petroleum or an interest in the petroleum).
- (4) Subsections (2) and (3) have effect subject to this Act.

Note: See also Division 3 of Part 1.2 (which deals with apportionment of petroleum recovered from adjoining title areas).

286 Property in petroleum recovered from a Greater Sunrise unit reservoir

Scope

- (1) This section applies if an amount of petroleum is recovered at a particular time from a Greater Sunrise unit reservoir:

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- (a) by a petroleum exploration permittee in the permit area; or
- (b) by a petroleum retention lessee in the lease area; or
- (c) by a petroleum production licensee in the licence area.

Property

- (2) The following provisions have effect:
 - (a) the current apportionment percentage of the amount of petroleum becomes the property of the permittee, lessee or licensee;
 - (b) property in the remainder of the amount of petroleum is determined under the Timor Sea Treaty;
 - (c) the amount of petroleum is not subject to any rights of other persons (other than a person to whom the permittee, lessee or licensee transfers, assigns or otherwise disposes of the petroleum or an interest in the petroleum).
- (3) Subsection (2) has effect subject to this Act.

Definition

- (4) In this section:

current apportionment percentage, in relation to an amount of petroleum recovered at a particular time, means:

- (a) 79.9%; or
- (b) if, before that time, the Apportionment Ratio set out in article 7 of the Greater Sunrise unitisation agreement has changed, at least once, because it has been:
 - (i) redetermined due to a technical redetermination undertaken in accordance with paragraph 8(1) of the agreement; or
 - (ii) altered due to an agreement in accordance with paragraph 8(2) of the Greater Sunrise unitisation agreement;

the percentage of the production of petroleum from the Greater Sunrise unit reservoirs that is apportioned to Australia under the Greater Sunrise unitisation agreement

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immediately after the most recent change to the Apportionment Ratio.

286A Notification requirements—registered holders of titles

Registered holders as at commencement

- (1) If, as at the commencement of this section, a person is the registered holder, or one of the registered holders, of a petroleum title, the person must:
 - (a) give the Titles Administrator and NOPSEMA a written notice, in the approved form, that:
 - (i) states that the person is a registered holder of the petroleum title; and
 - (ii) sets out such of the person's contact details as are required by the form; and
 - (b) do so within 30 days after the commencement of this section.

Note: For *contact details*, see subsection (9).

Becoming a registered holder

- (2) If, at any time after the commencement of this section, a person becomes the registered holder, or one of the registered holders, of a petroleum title, the person must:
 - (a) give the Titles Administrator and NOPSEMA a written notice, in the approved form, that:
 - (i) states that the person has become a registered holder of the petroleum title; and
 - (ii) sets out such of the person's contact details as are required by the form; and
 - (b) do so within 30 days after so becoming a registered holder.

Note: For *contact details*, see subsection (9).

Ceasing to be a registered holder otherwise than because of death

- (3) If, at any time after the commencement of this section, a person ceases to be the registered holder, or one of the registered holders,

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of a petroleum title otherwise than because of the death of the person, the person must, within 30 days after the cessation, notify the Titles Administrator and NOPSEMA, in writing, of the cessation.

Death of a registered holder

- (4) If, at any time after the commencement of this section, a person who is the registered holder, or one of the registered holders, of a petroleum title dies, the person's legal personal representative must, within 30 days after the death, notify the Titles Administrator and NOPSEMA, in writing, of the death.

Change of contact details of registered holder

- (5) If:
- (a) a person is the registered holder, or one of the registered holders, of a petroleum title; and
 - (b) the person has given a notice under:
 - (i) subsection (1); or
 - (ii) subsection (2); or
 - (iii) this subsection;that sets out one or more contact details of the person; and
 - (c) any or all of those contact details have changed;
- the person must:
- (d) give the Titles Administrator and NOPSEMA a written notice, in the approved form, that:
 - (i) states that the relevant contact details have changed; and
 - (ii) sets out the changed contact details; and
 - (e) do so within 30 days after the change.

Note: For *contact details*, see subsection (9).

Publication of approved form

- (6) The Titles Administrator must publish on the Department's website a form approved for the purposes of subsection (1), (2) or (5).

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Offence

- (7) A person commits an offence of strict liability if:
- (a) the person is subject to a requirement under subsection (1), (2), (3), (4) or (5); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 50 penalty units.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty

- (8A) A person is liable to a civil penalty if the person contravenes a requirement under subsection (2), (3), (4) or (5).

Civil penalty: 90 penalty units.

Continuing offences and continuing contraventions of civil penalty provisions

- (8B) The maximum penalty for each day that an offence under subsection (7) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (7) is a continuing offence under section 4K of the *Crimes Act 1914*.

- (8C) The maximum civil penalty for each day that a contravention of subsection (8A) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (8A) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

Definitions

- (9) In this section:

approved means approved, in writing, by the Titles Administrator and the Chief Executive Officer of NOPSEMA.

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contact details of a person includes the following:

- (a) the person's name;
- (b) the address of:
 - (i) the place of residence or business of the person; or
 - (ii) if the person is a body corporate—the head office, a registered office or a principal office of the body corporate;
- (c) the person's telephone number;
- (d) the person's fax number (if any);
- (e) the person's email address;
- (f) if the person is a body corporate that has an ACN (within the meaning of the *Corporations Act 2001*)—the ACN.

petroleum title means:

- (a) a petroleum exploration permit; or
- (b) a petroleum retention lease; or
- (c) a petroleum production licence; or
- (d) an infrastructure licence; or
- (e) a pipeline licence; or
- (f) a petroleum special prospecting authority; or
- (g) a petroleum access authority.

286B Publication of prescribed time limits

The Joint Authority must cause to be published on the Department's website any periods prescribed for the purposes of any of the following provisions:

- (a) subparagraph 143A(1)(b)(ii);
- (b) subparagraph 149A(1)(b)(ii);
- (c) subparagraph 155A(1)(b)(ii);
- (d) subparagraph 173A(2)(b)(ii);
- (e) subparagraph 183(8)(b)(ii);
- (f) subparagraph 186A(1)(b)(ii);
- (g) subparagraph 200A(1)(b)(ii);
- (h) subparagraph 205(3)(b)(ii);

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- (i) subparagraph 226(6)(b)(ii).

286C Report about decisions not made within time limits

- (1) If a Joint Authority contravenes any of the following provisions on one or more occasions during a financial year, the Titles Administrator must, within 60 days after the end of the financial year, prepare a report describing those contraventions:
- (a) subsection 143A(1);
 - (b) subsection 149A(1);
 - (c) subsection 155A(1);
 - (d) subsection 173A(2);
 - (e) subsection 183(8);
 - (f) subsection 186A(1);
 - (g) subsection 200A(1);
 - (h) subsection 205(3);
 - (i) subsection 226(6).
- (2) As soon as practicable after completing the preparation of the report, the Titles Administrator must give the report to the responsible Commonwealth Minister.
- (3) The responsible Commonwealth Minister must cause a copy of a report under subsection (1) to be tabled in each House of the Parliament within 15 sitting days after receiving the report.

Chapter 3—Regulation of activities relating to injection and storage of greenhouse gas substances

Part 3.1—Introduction

287 Simplified outline

The following is a simplified outline of this Chapter:

- This Chapter provides for the grant of the following titles:
 - (a) a greenhouse gas assessment permit (see Part 3.2);
 - (b) a greenhouse gas holding lease (see Part 3.3);
 - (c) a greenhouse gas injection licence (see Part 3.4);
 - (d) a greenhouse gas search authority (see Part 3.5);
 - (e) a greenhouse gas special authority (see Part 3.6).
- A greenhouse gas assessment permit authorises the permittee to explore in the permit area for potential greenhouse gas storage formations and potential greenhouse gas injection sites.
- If an eligible greenhouse gas storage formation is identified in a greenhouse gas permit area, the responsible Commonwealth Minister may declare that the formation is an identified greenhouse gas storage formation.

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- After the declaration of an identified greenhouse gas storage formation in a greenhouse gas permit area, the permittee may apply for a greenhouse gas holding lease or a greenhouse gas injection licence.
- A greenhouse gas holding lease is granted if the applicant is not currently in a position to inject and store a greenhouse gas substance, but is likely to be in such a position within 15 years. The lessee may apply for a greenhouse gas injection licence.
- A greenhouse gas injection licence authorises the licensee to carry out greenhouse gas injection and storage operations in the licence area.
- A greenhouse gas search authority authorises the holder to carry on operations in the authority area relating to the exploration for potential greenhouse gas storage formations or potential greenhouse gas injection sites (but not to make a well).
- A greenhouse gas special authority authorises the holder to carry on certain greenhouse gas-related operations in the authority area (but not to make a well).
- Part 3.7 provides for the grant of greenhouse gas research consents. A greenhouse gas research consent authorises the holder to carry on greenhouse gas-related operations in the course of a scientific investigation.

287A Application of this Chapter (and associated provisions) to bodies politic

- (1) The following provisions:
- (a) this Chapter and regulations made for the purposes of this Chapter;

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- (b) the remaining provisions of this Act and the regulations, so far as they relate to:
 - (i) this Chapter; or
 - (ii) exploring for a potential greenhouse gas storage formation; or
 - (iii) exploring for a potential greenhouse gas injection site; or
 - (iv) the injection of a greenhouse gas substance; or
 - (v) the storage of a greenhouse gas substance;apply, and are taken always to have applied, to the following bodies politic:
 - (c) a State;
 - (d) the Northern Territory.
- (2) Subsection (1) has effect in addition to section 35.
- (3) This Act does not make:
 - (a) a State; or
 - (b) the Northern Territory;liable to a pecuniary penalty or to be prosecuted for an offence.
- (4) The protection in subsection (3) does not apply to an authority of:
 - (a) a State; or
 - (b) the Northern Territory.

Part 3.2—Greenhouse gas assessment permits

Division 1—General provisions

288 Simplified outline

The following is a simplified outline of this Part:

- It is an offence to explore in an offshore area for a potential greenhouse gas storage formation, or a potential greenhouse gas injection site, except:
 - (a) under a greenhouse gas assessment permit; or
 - (b) as otherwise authorised or required by or under this Act.
- This Part provides for the grant of greenhouse gas assessment permits over blocks in an offshore area.
- A greenhouse gas assessment permit authorises the permittee to explore in the permit area for potential greenhouse gas storage formations and potential greenhouse gas injection sites.
- There are 2 types of greenhouse gas assessment permits:
 - (a) a greenhouse gas assessment permit granted on the basis of work program bidding (a ***work-bid greenhouse gas assessment permit***);
 - (b) a greenhouse gas assessment permit granted on the basis of cash bidding (a ***cash-bid greenhouse gas assessment permit***).

- If an eligible greenhouse gas storage formation is identified in a greenhouse gas permit area, the responsible Commonwealth Minister may declare that the formation is an identified greenhouse gas storage formation.

289 Prohibition of unauthorised exploration for potential greenhouse gas storage formation, or potential greenhouse gas injection site, in offshore area

- (1) A person commits an offence if:
- (a) the person explores for:
 - (i) a potential greenhouse gas storage formation; or
 - (ii) a potential greenhouse gas injection site; and
 - (b) the exploration occurs in an offshore area.

Penalty: Imprisonment for 5 years.

- (2) Subsection (1) does not apply to conduct that is:
- (a) authorised by a greenhouse gas assessment permit; or
 - (b) otherwise authorised or required by or under this Act.

Note: The defendant bears an evidential burden in relation to the matter in subsection (2)—see subsection 13.3(3) of the *Criminal Code*.

290 Rights conferred by greenhouse gas assessment permit

- (1) A greenhouse gas assessment permit authorises the permittee, in accordance with the conditions (if any) to which the permit is subject:
- (a) to explore in the permit area for a potential greenhouse gas storage formation; and
 - (b) to explore in the permit area for a potential greenhouse gas injection site; and
 - (c) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the permit area; and

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- (d) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the injection of the stored greenhouse gas substance takes place at a well situated the permit area; and
 - (e) to inject, on an appraisal basis:
 - (i) air; or
 - (ii) petroleum; or
 - (iii) water;into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the permit area; and
 - (f) to store, on an appraisal basis:
 - (i) air; or
 - (ii) petroleum; or
 - (iii) water;in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the injection of the stored air, petroleum or water takes place at a well situated in the permit area; and
 - (g) with the written consent of the responsible Commonwealth Minister, to recover petroleum in the permit area for the sole purpose of appraising a discovery of petroleum that was made as an incidental consequence of:
 - (i) the exploration authorised by paragraph (a) or (b); or
 - (ii) the injection authorised by paragraph (c) or (e); and
 - (h) to carry on such operations, and execute such works, in the permit area as are necessary for those purposes.
- (2) The rights conferred on the permittee by subsection (1) are subject to this Act and the regulations.
- (3) If petroleum is recovered by the permittee in the permit area as authorised by paragraph (1)(g), the petroleum does not become the property of the permittee.

- (4) A greenhouse gas storage permit does not authorise the permittee to make a well outside the permit area.

291 Conditions of greenhouse gas assessment permits

- (1) The responsible Commonwealth Minister may grant a greenhouse gas assessment permit subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.
- (2) The conditions (if any) must be specified in the permit.

Approval of key greenhouse gas operations

- (3) A greenhouse gas assessment permit is subject to the condition that the permittee will not carry on key greenhouse gas operations under the permit unless:
- (a) the responsible Commonwealth Minister has approved the operations under section 292; and
 - (b) the permittee complies with the conditions (if any) to which the approval is subject.

Securities

- (4) A greenhouse gas assessment permit is subject to the condition that, if the permittee is given a notice under section 454, the permittee will comply with the notice.

Work-bid greenhouse gas assessment permits

- (5) Any or all of the following conditions may be specified in a work-bid greenhouse gas assessment permit:
- (a) conditions requiring the permittee to carry out work in, or in relation to, the permit area (including conditions requiring the permittee to carry out the work during a period of 12 months or longer, or during periods each of which is 12 months or longer);
 - (b) conditions relating to the amounts that the permittee must spend in carrying out such work;

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- (c) conditions requiring the permittee to comply with directions that:
 - (i) relate to the matters covered by paragraphs (a) and (b); and
 - (ii) are given in accordance with the permit.

Cash-bid greenhouse gas assessment permits

- (6) Despite subsection (1), a cash-bid greenhouse gas assessment permit must not be granted subject to conditions requiring the permittee to:
 - (a) carry out work in, or in relation to, the permit area; or
 - (b) spend particular amounts on the carrying out of work in, or in relation to, the permit area.

Other provisions

- (7) Despite subsection (2), the conditions mentioned in subsections (3) and (4) do not need to be specified in the permit.
- (8) Subsections (3), (4) and (5) do not limit subsection (1).

292 Approval by responsible Commonwealth Minister of key greenhouse gas operations

- (1) A greenhouse gas assessment permittee may apply to the responsible Commonwealth Minister for approval to carry on one or more key greenhouse gas operations under the permit.
- (2) If an application for approval is made under subsection (1), the responsible Commonwealth Minister may:
 - (a) give the approval, with or without conditions to which the approval is subject; or
 - (b) by written notice given to the applicant, refuse to give the approval.

Responsible Commonwealth Minister must have regard to certain matters

- (3) In deciding whether to give the approval, the responsible Commonwealth Minister must comply with subsections (4), (5), (6), (7) and (8).
- (4) The responsible Commonwealth Minister must have regard to the impact (if any) that any of those key greenhouse gas operations could have on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:
 - (a) an existing petroleum exploration permit; or
 - (b) an existing petroleum retention lease; or
 - (c) an existing petroleum production licence; or
 - (d) a future petroleum exploration permit; or
 - (e) a future petroleum retention lease; or
 - (f) a future petroleum production licence.
- (5) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:
 - (a) an existing petroleum exploration permit held by a person other than the applicant; or
 - (b) an existing petroleum retention lease held by a person other than the applicant; or
 - (c) an existing petroleum production licence held by a person other than the applicant;the responsible Commonwealth Minister must have regard to:
 - (d) whether the registered holder of the petroleum exploration permit, petroleum retention lease or petroleum production licence, as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied; and
 - (e) if so—the terms of that agreement.

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(6) If:

- (a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under:
 - (i) a future petroleum exploration permit over a block or blocks; or
 - (ii) a future petroleum retention lease over a block or blocks; or
 - (iii) a future petroleum production licence over a block or blocks; and
- (b) a petroleum exploration permit, petroleum retention lease or petroleum production licence is in force over the block or any of the blocks; and
- (c) the petroleum exploration permit, petroleum retention lease or petroleum production licence is held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

- (d) whether the registered holder of the petroleum exploration permit, petroleum retention lease or petroleum production licence covered by paragraph (b) has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied; and
- (e) if so—the terms of that agreement.

(7) If any of those key greenhouse gas operations is:

- (a) an operation to inject, on an appraisal basis, a substance into a part of a geological formation; or
- (b) an operation to store, on an appraisal basis, a substance in a part of a geological formation;

the responsible Commonwealth Minister must have regard to the composition of the substance.

- (8) The responsible Commonwealth Minister must have regard to the public interest.
- (9) Subsections (4), (5), (6) and (7) do not limit subsection (8).
- (10) Subsections (4), (5), (6), (7) and (8) do not limit the matters to which the responsible Commonwealth Minister may have regard.

Circumstances in which the approval must not be given

- (11) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:
 - (a) an existing pre-commencement petroleum title held by a person other than the applicant; or
 - (b) an existing post-commencement petroleum production licence held by a person other than the applicant;the responsible Commonwealth Minister must not give the approval unless the registered holder of the pre-commencement petroleum title, or the post-commencement petroleum production licence, as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied.
- (12) If:
 - (a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre-commencement petroleum title over a block or blocks; and
 - (b) the existing pre-commencement petroleum title in force over the block or any of the blocks is held by a person other than the applicant;

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the responsible Commonwealth Minister must not give the approval unless the registered holder of the existing pre-commencement petroleum title has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied.

No right to an approval

- (13) To avoid doubt, section 290 does not imply that a greenhouse gas assessment permittee who applies for approval under subsection (1) of this section is entitled to be given the approval.

Suspension of rights

- (14) For the purposes of this section, disregard a suspension of rights under section 266.

293 Duration of greenhouse gas assessment permit

- (1) The duration of a greenhouse gas assessment permit is worked out using the table:

Duration of greenhouse gas assessment permits		
Item	This kind of permit...	remains in force...
1	an original greenhouse gas assessment permit	for the period of 6 years beginning on: (a) the day on which the permit is granted; or (b) if a later day is specified in the permit as the day on which the permit is to come into force—that later day.

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Duration of greenhouse gas assessment permits

Item	This kind of permit...	remains in force...
2	a greenhouse gas assessment permit granted by way of renewal	for the period of 3 years beginning on: (a) the day on which the permit is granted; or (b) if a later day is specified in the permit as the day on which the permit is to come into force—that later day.

(2) Subsection (1) has effect subject to this Chapter.

- Note 1: For a special rule about the extension of the duration of a greenhouse gas assessment permit if the permittee applies for a declaration of an identified greenhouse gas storage formation, see section 294.
- Note 1A: For a special rule about the extension of the duration of a greenhouse gas assessment permit pending a decision on a renewal application, see subsection 308(6).
- Note 2: For a special rule about the extension of the duration of a greenhouse gas assessment permit if the permittee applies for a greenhouse gas holding lease or greenhouse gas injection licence, see section 295.
- Note 3: For special rules about when a greenhouse gas assessment permit ceases to be in force following the grant of a greenhouse gas holding lease or greenhouse gas injection licence, see sections 328 and 366.
- Note 4: For special rules about the extension of the duration of a greenhouse gas assessment permit following a suspension decision, see sections 437 and 439.
- Note 4A: For a special rule about the extension of the duration of a greenhouse gas assessment permit pending a suspension decision, see section 437A.
- Note 5: For the surrender of a greenhouse gas assessment permit, see Part 3.10.
- Note 6: For the cancellation of a greenhouse gas assessment permit, see Part 3.11.

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294 Extension of greenhouse gas assessment permit if permittee applies for a declaration of an identified greenhouse gas storage formation

- (1) If:
- (a) a greenhouse gas assessment permit is in force; and
 - (b) before the time when the permit would, apart from this subsection, expire, the permittee applies to the responsible Commonwealth Minister for a declaration of an identified greenhouse gas storage formation; and
 - (c) if the declaration were made in accordance with the application, the identified greenhouse gas storage formation would be wholly situated in the permit area;
- the permit continues in force until whichever is the latest of the following times:
- (d) if the responsible Commonwealth Minister makes a declaration of an identified greenhouse gas storage formation that is wholly situated in the permit area—the end of the period of 12 months after the day on which the declaration is made;
 - (e) if the responsible Commonwealth Minister refuses to make a declaration of an identified greenhouse gas storage formation that is wholly situated in the permit area—the time when notice of the refusal is given to the permittee;
 - (f) the time when the permit would, apart from this subsection, expire.
- (2) Subsection (1) has effect subject to this Chapter, but despite section 293.

Note: See the notes at the end of section 293.

295 Extension of greenhouse gas assessment permit if permittee applies for a greenhouse gas holding lease or greenhouse gas injection licence

- (1) If:
-

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- (a) a greenhouse gas assessment permit is in force over a block or blocks; and
- (b) before the time when the permit would, apart from this subsection, expire, the permittee applies to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease or greenhouse gas injection licence over the block or one or more of the blocks;

the table has effect:

Extension of permit		
Item	In this case...	the permit continues in force over the block or blocks covered by the application until...
1	the responsible Commonwealth Minister gives the permittee an offer document relating to a greenhouse gas holding lease or greenhouse gas injection licence over the block or one or more of the blocks	the lease or licence is granted, the permittee withdraws the application or the application lapses.
2	the application is for a greenhouse gas holding lease and the responsible Commonwealth Minister refuses to grant the lease to the permittee	the end of the period of 12 months after the day on which the notice of the refusal was given to the permittee.
3	the application is for a greenhouse gas injection licence and the responsible Commonwealth Minister refuses to grant the licence to the permittee on a ground covered by paragraph 362(1)(c), (d), (e), (f) or (g)	the end of the period of 90 days after the day on which the notice of the refusal was given to the permittee.

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Extension of permit		
Item	In this case...	the permit continues in force over the block or blocks covered by the application until...
4	the application is for a greenhouse gas injection licence and the responsible Commonwealth Minister refuses to grant the licence to the permittee on a ground not mentioned in item 3	notice of the refusal is given to the permittee.

(2) Subsection (1) has effect subject to this Chapter but despite section 293.

Note: See the notes at the end of section 293.

Division 2—Obtaining a work-bid greenhouse gas assessment permit

296 Application for work-bid greenhouse gas assessment permit—advertising of blocks

Invitation to apply for a greenhouse gas assessment permit

- (1) The responsible Commonwealth Minister may, by notice published in the *Gazette*:
 - (a) invite applications for the grant of a greenhouse gas assessment permit over the block, or any or all of the blocks, specified in the notice; and
 - (b) specify a period within which applications may be made.
- (2) If the responsible Commonwealth Minister has published a notice under subsection 303(1) inviting applications for the grant of a greenhouse gas assessment permit over a block, the block must not be specified in a notice under subsection (1) of this section at any time during the period specified in the subsection 303(1) notice.

Note: Subsection 303(1) deals with cash-bid greenhouse gas assessment permits.

Application for greenhouse gas assessment permit

- (3) An application under this section must be accompanied by details of:
 - (a) the applicant's proposals for work and expenditure in relation to the block or blocks specified in the application; and
 - (b) the technical qualifications of the applicant and of the applicant's employees; and
 - (c) the technical advice available to the applicant; and
 - (d) the financial resources available to the applicant.

Note 1: Part 3.8 contains additional provisions about application procedures.

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Division 2 Obtaining a work-bid greenhouse gas assessment permit

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Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

Attributes of blocks

- (4) The blocks specified in an application under this section must be blocks that are constituted by graticular sections that:
 - (a) constitute a single area; and
 - (b) are such that each graticular section in that area has a side in common with at least one other graticular section in that area.
- (5) Subsection (4) does not apply to applications if the responsible Commonwealth Minister, for reasons that the responsible Commonwealth Minister thinks sufficient, includes in the subsection (1) notice a direction that subsection (4) does not apply to those applications.

297 Petroleum retention lessee or petroleum production licensee to be notified of proposal to advertise blocks

Scope

- (1) This section applies if:
 - (a) the responsible Commonwealth Minister proposes to publish a notice under subsection 296(1) specifying a block that is the subject of a petroleum retention lease or petroleum production licence; and
 - (b) at the time of the proposal, the lessee or licensee is entitled to make an application for the grant of a greenhouse gas holding lease, or a greenhouse gas injection licence, over the block.

Notification

- (2) The responsible Commonwealth Minister must, at least 60 days before the proposed publication of the subsection 296(1) notice, notify the lessee or licensee of the proposed publication.

Deferral of publication of notice

- (3) If, during the period:
- (a) beginning when the lessee or licensee is given the notification under subsection (2); and
 - (b) ending at the end of the day before the day of proposed publication of the subsection 296(1) notice;
- the lessee or licensee makes such an application, the responsible Commonwealth Minister must not publish the subsection 296(1) notice until:
- (c) the application lapses; or
 - (d) the lessee or licensee withdraws the application; or
 - (e) the responsible Commonwealth Minister refuses to grant the greenhouse gas holding lease or greenhouse gas injection licence.

298 Grant of work-bid greenhouse gas assessment permit—offer document

Scope

- (1) This section applies if an application for the grant of a greenhouse gas assessment permit has been made under section 296.

Offer document

- (2) The responsible Commonwealth Minister may:
- (a) give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas assessment permit over the block or blocks specified in the offer document; or
 - (b) by written notice given to the applicant, refuse to grant a greenhouse gas assessment permit to the applicant.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

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Division 2 Obtaining a work-bid greenhouse gas assessment permit

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Note 2: If the applicant breaches a requirement under section 429 to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 429(3).

Decision must be made within 12 months

- (3) The responsible Commonwealth Minister must make a decision under subsection (2) within 12 months after the end of the period specified in the relevant notice under subsection 296(1).

299 Ranking of multiple applicants for work-bid greenhouse gas assessment permit

Scope

- (1) This section applies if:
- (a) the responsible Commonwealth Minister publishes a notice under subsection 296(1) inviting applications for the grant of a greenhouse gas assessment permit; and
 - (b) at the end of the period specified in the notice, 2 or more applications have been made under section 296 for the grant of a greenhouse gas assessment permit over the same block or blocks.

Most deserving applicant may be given offer document

- (2) The responsible Commonwealth Minister may give an offer document under section 298 to whichever applicant, in the responsible Commonwealth Minister's opinion, is most deserving of the grant of the greenhouse gas assessment permit.
- (3) In determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit, the responsible Commonwealth Minister must have regard to criteria made publicly available by the responsible Commonwealth Minister.
- (4) Criteria under subsection (3) must consist of, or include, criteria relating to proposals for work and expenditure in relation to the block or blocks concerned.

- (5) Criteria under subsection (3) may include criteria relating to any or all of the following matters:
- (a) economic matters;
 - (b) commercial matters;
 - (c) public interest matters.
- (6) Subsection (5) does not limit subsection (3).

Ranking of applicants

- (7) For the purposes of this section, the responsible Commonwealth Minister may rank the applicants in the order in which, in the responsible Commonwealth Minister's opinion, they are deserving of the grant of the greenhouse gas assessment permit, with the most deserving applicant being ranked highest.
- (8) The responsible Commonwealth Minister may exclude from the ranking any applicant who, in the responsible Commonwealth Minister's opinion, is not deserving of the grant of the greenhouse gas assessment permit.

Applicants who are equally deserving of the grant of the greenhouse gas assessment permit

- (9) If the responsible Commonwealth Minister:
- (a) has considered the information accompanying the applications; and
 - (b) is of the opinion that 2 or more of the applicants are equally deserving of the grant of the greenhouse gas assessment permit;
- the responsible Commonwealth Minister may, by written notice given to each of those applicants, invite them to give the responsible Commonwealth Minister:
- (c) details (the *work/expenditure details*) of their proposals for additional work and expenditure in relation to the block or blocks concerned; and

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- (d) any other information that is relevant in determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit.
- (10) A notice under subsection (9) must:
 - (a) specify the kinds of work/expenditure details that the responsible Commonwealth Minister considers to be relevant in determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit; and
 - (b) specify the kinds of other information that the responsible Commonwealth Minister considers to be relevant in determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit; and
 - (c) specify the period within which the work/expenditure details and the other information must be given to the responsible Commonwealth Minister.
- (11) If an applicant gives work/expenditure details or other information to the responsible Commonwealth Minister, and those details are or that information is:
 - (a) of a kind specified in the notice; and
 - (b) given within the period specified in the notice;the responsible Commonwealth Minister must have regard to the details or information in determining which of the applicants is most deserving of the grant of the greenhouse gas assessment permit.

Criteria

- (12) An instrument setting out criteria under subsection (3) is not a legislative instrument.

Note: See also section 302, which deals with the effect of the withdrawal or lapse of an application.

300 Grant of work-bid greenhouse gas assessment permit

If:

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- (a) an applicant has been given an offer document under section 298; and
- (b) the applicant has made a request under section 431 in relation to the offer document within the period applicable under that section; and
- (c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas assessment permit over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 431 within the period applicable under that section, the application lapses at the end of that period—see subsection 431(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

301 Withdrawal of application

Scope

- (1) This section applies if the responsible Commonwealth Minister publishes a notice under subsection 296(1) inviting applications for the grant of a greenhouse gas assessment permit.

Withdrawal by single applicant

- (2) If a person has made an application, the person may, by written notice given to the responsible Commonwealth Minister, withdraw the application at any time before a greenhouse gas assessment permit is granted as a result of the application.

Withdrawal by all joint applicants

- (3) If 2 or more persons have made a joint application, all of those persons may, by written notice given to the responsible

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Commonwealth Minister, withdraw the application at any time before a greenhouse gas assessment permit is granted as a result of the application.

Withdrawal by one or more, but not all, joint applicants

- (4) If:
- (a) a joint application was made under section 296 for the grant of a greenhouse gas assessment permit; and
 - (b) all of the joint applicants, by written notice given to the responsible Commonwealth Minister, tell the responsible Commonwealth Minister that one or more, but not all, of them, as specified in the notice, withdraw from the application;
- then:
- (c) the application continues in force as if it had been made by the remaining applicant or applicants; and
 - (d) if the responsible Commonwealth Minister had given the joint applicants an offer document in relation to the application—the responsible Commonwealth Minister is taken not to have given the offer document to the joint applicants.

302 Effect of withdrawal or lapse of application

Scope

- (1) This section applies if:
- (a) 2 or more applications have been made under section 296 for the grant of a greenhouse gas assessment permit over the same block or blocks; and
 - (b) one or more, but not all, of the applications are withdrawn or have lapsed.

Application is taken not to have been made

- (2) A withdrawn or lapsed application is taken not to have been made.

Offer document is taken not to have been given

- (3) If the responsible Commonwealth Minister gave an offer document in relation to a withdrawn or lapsed application, the responsible Commonwealth Minister is taken not to have given an offer document in relation to the withdrawn or lapsed application.

Request to grant greenhouse gas assessment permit

- (4) If the applicant, or one of the applicants, whose application had been withdrawn had requested the responsible Commonwealth Minister under section 431 to grant a greenhouse gas assessment permit to the applicant concerned, the request is taken not to have been made.

Discharge of security

- (5) If:
- (a) the offer document in relation to a withdrawn application specified the form and amount of a security to be lodged by the applicant; and
 - (b) the applicant had lodged the security;
- the security is discharged.

Refusal to grant greenhouse gas assessment permit

- (6) If the following conditions are satisfied in relation to a remaining applicant:
- (a) the responsible Commonwealth Minister had refused to grant a greenhouse gas assessment permit to the remaining applicant;
 - (b) the responsible Commonwealth Minister did not exclude the remaining applicant from the ranking under subsection 299(8);
- the refusal is taken not to have occurred.

Division 3—Obtaining a cash-bid greenhouse gas assessment permit

303 Application for cash-bid greenhouse gas assessment permit

Invitation to apply for a greenhouse gas assessment permit

- (1) The responsible Commonwealth Minister may, by notice published in the *Gazette*:
 - (a) invite applications by way of cash bidding for the grant of a greenhouse gas assessment permit over the block or blocks specified in the notice; and
 - (b) specify a period within which applications may be made.
- (2) If the responsible Commonwealth Minister has published a notice under subsection 296(1) inviting applications for the grant of a greenhouse gas assessment permit over a block, the block must not be specified in a notice under subsection (1) of this section at any time during the period specified in the subsection 296(1) notice.

Note: Subsection 296(1) deals with work-bid greenhouse gas assessment permits.
- (3) A notice under subsection (1) must:
 - (a) contain a summary of the conditions to which the permit will be subject; and
 - (b) specify the matters that the responsible Commonwealth Minister will take into account in deciding whether to reject an application.
- (4) If a notice under subsection (1) specifies more than one block, those blocks must be constituted by graticular sections that:
 - (a) constitute a single area; and
 - (b) are such that each graticular section in that area has a side in common with at least one other graticular section in that area.

Application for greenhouse gas assessment permit

- (5) If a notice under subsection (1) specifies more than one block, an application under this section must be for a greenhouse gas assessment permit over all of the specified blocks.
- (6) An application under this section must:
 - (a) be accompanied by details of:
 - (i) the technical qualifications of the applicant and of the applicant's employees; and
 - (ii) the technical advice available to the applicant; and
 - (iii) the financial resources available to the applicant; and
 - (b) specify the amount that the applicant would be prepared to pay for the grant of the permit.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

304 Petroleum retention lessee or petroleum production licensee to be notified of proposal to advertise blocks

Scope

- (1) This section applies if:
 - (a) the responsible Commonwealth Minister proposes to publish a notice under subsection 303(1) specifying a block that is the subject of a petroleum retention lease or petroleum production licence; and
 - (b) at the time of the proposal, the lessee or licensee is entitled to make an application for the grant of a greenhouse gas holding lease, or a greenhouse gas injection licence, over the block.

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Notification

- (2) The responsible Commonwealth Minister must, at least 60 days before the proposed publication of the subsection 303(1) notice, notify the lessee or licensee of the proposed publication.

Deferral of publication of notice

- (3) If, during the period:
- (a) beginning when the lessee or licensee is given the notification under subsection (2); and
 - (b) ending at the end of the day before the day of proposed publication of the subsection 303(1) notice;
- the lessee or licensee makes such an application, the responsible Commonwealth Minister must not publish the subsection 303(1) notice until:
- (c) the application lapses; or
 - (d) the lessee or licensee withdraws the application; or
 - (e) the responsible Commonwealth Minister refuses to grant the greenhouse gas holding lease or greenhouse gas injection licence.

305 Grant of cash-bid greenhouse gas assessment permit—only one application

Scope

- (1) This section applies if:
- (a) the responsible Commonwealth Minister publishes a notice under subsection 303(1) inviting applications for the grant of a greenhouse gas assessment permit over a block or blocks; and
 - (b) at the end of the period specified in the notice, only one application has been made under section 303 in relation to the block or blocks.

Offer document

- (2) The responsible Commonwealth Minister may:
- (a) give the applicant a written notice (called an *offer document*) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas assessment permit over that block or those blocks; or
 - (b) by written notice given to the applicant, reject the application.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 429 to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 429(3).

306 Grant of cash-bid greenhouse gas assessment permit—2 or more applications

Scope

- (1) This section applies if:
- (a) the responsible Commonwealth Minister publishes a notice under subsection 303(1) inviting applications for the grant of a greenhouse gas assessment permit over a block or blocks; and
 - (b) at the end of the period specified in the notice, 2 or more applications have been made under section 303 in relation to the block or blocks.

Rejection of applications

- (2) The responsible Commonwealth Minister may reject any or all of the applications.

Chapter 3 Regulation of activities relating to injection and storage of greenhouse gas substances

Part 3.2 Greenhouse gas assessment permits

Division 3 Obtaining a cash-bid greenhouse gas assessment permit

Section 306

Unrejected applications

- (3) If the responsible Commonwealth Minister does not reject all of the applications, the table has effect:

Unrejected applications		
Item	If...	the responsible Commonwealth Minister may give a written notice (called an <i>offer document</i>) to...
1	only one application remains unrejected	the applicant.
2	(a) 2 or more applications remain unrejected; and (b) the amounts specified in the applications under paragraph 303(6)(b) are equal	one of those applicants.
3	(a) 2 or more applications remain unrejected; and (b) the amounts specified in the applications under paragraph 303(6)(b) are not equal; and (c) the amount specified in one of the applications is higher than the amount or amounts specified in the remaining application or applications	whichever of those applicants specified the highest amount.

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Unrejected applications

Item	If...	the responsible Commonwealth Minister may give a written notice (called an <i>offer document</i>) to...
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4	(a) 3 or more applications remain unrejected; and	one of the applicants who specified the equal highest amount.
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	(b) 2 or more of the amounts specified in the applications under paragraph 303(6)(b) are: (i) equal; and (ii) higher than the amount or amounts specified in the remaining application or applications	
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(4) An offer document given to an applicant must tell the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas assessment permit over the block or blocks.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If an applicant breaches a requirement under section 429 to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 429(3).

(5) If:

- (a) an applicant is given an offer document under this section; and
- (b) the application lapses as provided by section 431, 432 or 433; and
- (c) there are one or more remaining unrejected applications; subsections (3) and (4) of this section apply in relation to the remaining unrejected applications.

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Unsuccessful applications

- (6) If the responsible Commonwealth Minister does not give an offer document to an applicant, the responsible Commonwealth Minister must, by written notice given to the applicant, inform the applicant that the application was unsuccessful.

307 Grant of cash-bid greenhouse gas assessment permit

(1) If:

- (a) an applicant has been given an offer document under section 305 or 306; and
- (b) the applicant has made a request under section 431 in relation to the offer document within the period applicable under that section; and
- (c) the applicant has paid the specified amount within the period applicable under section 432; and
- (d) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas assessment permit over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 431 within the period applicable under that section, the application lapses at the end of that period—see subsection 431(4).

Note 2: If the applicant has not paid the specified amount within the period applicable under section 432, the application lapses at the end of that period—see section 432.

Note 3: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

- (2) For the purposes of this section, the *specified amount* is the amount specified in the offer document as the amount that the applicant must pay for the grant of the greenhouse gas assessment permit.

Division 4—Renewal of greenhouse gas assessment permits

308 Application for renewal of greenhouse gas assessment permit

Application for renewal

- (1) The registered holder of a greenhouse gas assessment permit may apply to the responsible Commonwealth Minister for the renewal by the responsible Commonwealth Minister of the permit.
- (2) A greenhouse gas assessment permit cannot be renewed more than once.
- (3) An application to renew a greenhouse gas assessment permit must be made:
 - (a) not more than 12 months before the expiry date of the permit; and
 - (b) at least 180 days before the expiry date of the permit.
- (4) Despite subsection (3), the responsible Commonwealth Minister may accept an application to renew a greenhouse gas assessment permit if the application is made:
 - (a) later than 180 days before the expiry date of the permit; and
 - (b) before the expiry date of the permit.
- (5) An application to renew a greenhouse gas assessment permit must be accompanied by details of:
 - (a) the permittee's proposals for work and expenditure in relation to the permit area; and
 - (b) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

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Extension of duration of greenhouse gas assessment permit pending decision on application

- (6) If:
- (a) a greenhouse gas assessment permittee makes an application to renew the permit; and
 - (b) the permit would, apart from this subsection, expire:
 - (i) before the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the permit; or
 - (ii) before the application lapses as provided by section 431;
- the permit continues in force:
- (c) until the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the permit; or
 - (d) until the application so lapses;
- whichever happens first.
- (7) Subsection (6) has effect subject to this Chapter but despite section 293.

Note: See the notes at the end of section 293.

309 Renewal of greenhouse gas assessment permit—offer document

Scope

- (1) This section applies if an application to renew a greenhouse gas assessment permit has been made under section 308.

Offer document—compliance with conditions etc.

- (2) If:
- (a) each of the following has been complied with:
 - (i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject;
 - (ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1;
 - (iii) the provisions of the regulations; and

(b) during the period when the permit was in force, at least one notice was given under section 451 about a part of a geological formation wholly situated in the permit area; the responsible Commonwealth Minister must give the applicant a written notice (called an *offer document*) telling the applicant that the responsible Commonwealth Minister is prepared to renew the permit.

Note: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Offer document—non-compliance with conditions etc.

(3) If:

(a) any of:

- (i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject; or
- (ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1; or
- (iii) the provisions of the regulations; have not been complied with; and

(b) in a case where:

- (i) the permit is a work-bid greenhouse gas assessment permit; and
- (ii) the permit is subject to one or more conditions of the kind mentioned in subsection 291(5); and
- (iii) one or more of those conditions have not been complied with;

the responsible Commonwealth Minister is satisfied that the non-compliance is attributable to unavoidable delays caused by the unavailability of essential services or essential equipment, or both; and

(c) the responsible Commonwealth Minister is satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas assessment permit;

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the responsible Commonwealth Minister may give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to renew the permit.

Note: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Offer document—no section 451 notice

(4) If:

- (a) each of the following has been complied with:
 - (i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject;
 - (ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1;
 - (iii) the provisions of the regulations; and
- (b) during the period when the greenhouse gas assessment permit was in force, no notice under section 451 was given about a part of a geological formation wholly situated in the permit area; and
- (c) the responsible Commonwealth Minister is satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas assessment permit;

the responsible Commonwealth Minister may give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to renew the permit.

Note: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Work program condition

(5) For the purposes of this section, if:

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- (a) the greenhouse gas assessment permit is subject to a condition requiring the permittee to carry out work in, or in relation to, the permit area during a particular period; and
- (b) the application for renewal of the permit was made during that period;

then, in determining whether the condition has been complied with, assume that the period had ended immediately before the application for renewal was made.

310 Refusal to renew greenhouse gas assessment permit

Scope

- (1) This section applies if an application to renew a greenhouse gas assessment permit has been made under section 308.

Refusal to renew

- (2) If:
 - (a) any of:
 - (i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1; or
 - (iii) the provisions of the regulations; have not been complied with; and
 - (b) in a case where:
 - (i) the permit is a work-bid greenhouse gas assessment permit; and
 - (ii) the permit is subject to one or more conditions of the kind mentioned in subsection 291(5); and
 - (iii) one or more of those conditions have not been complied with;
- the responsible Commonwealth Minister is not satisfied that the non-compliance is attributable to unavoidable delays

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caused by the unavailability of essential services or essential equipment or both; and

- (c) the responsible Commonwealth Minister is not satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas assessment permit;

the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to renew the permit.

Note: Consultation procedures apply—see section 434.

(3) If:

- (a) each of the following has been complied with:

- (i) the conditions to which the greenhouse gas assessment permit is, or has from time to time been, subject;
 - (ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1;
 - (iii) the provisions of the regulations; and

- (b) during the period when the permit was in force, no notice was given under section 451 about a part of a geological formation wholly situated in the permit area; and

- (c) the responsible Commonwealth Minister is not satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas assessment permit;

the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to renew the permit.

Note: Consultation procedures apply—see section 434.

Work program condition

(4) For the purposes of this section, if;

- (a) the greenhouse gas assessment permit is subject to a condition requiring the permittee to carry out work in, or in relation to, the permit area during a particular period; and
- (b) the application for renewal of the permit was made during that period;

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then, in determining whether the condition has been complied with, assume that the period had ended immediately before the application for renewal was made.

311 Renewal of greenhouse gas assessment permit

If:

- (a) an applicant has been given an offer document under section 309; and
- (b) the applicant has made a request under section 431 in relation to the offer document within the period applicable under that section; and
- (c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the responsible Commonwealth Minister must renew the greenhouse gas assessment permit.

Note 1: If the applicant does not make a request under section 431 within the period applicable under that section, the application lapses at the end of that period—see subsection 431(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

Division 5—Declaration of identified greenhouse gas storage formation

312 Declaration of identified greenhouse gas storage formation

Scope

- (1) This section applies if:
- (a) a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, petroleum retention lease or petroleum production licence is in force; and
 - (b) the permittee, lessee or licensee has reasonable grounds to believe that:
 - (i) a part of a geological formation is an eligible greenhouse gas storage formation; and
 - (ii) that part is wholly situated in the permit area, lease area or licence area.

Application for declaration of identified greenhouse gas storage formation

- (2) The permittee, lessee or licensee may apply to the responsible Commonwealth Minister for the declaration of the part referred to in paragraph (1)(b) as an identified greenhouse gas storage formation.
- (3) An application under this section must set out:
- (a) the applicant's reasons for believing that the part referred to in paragraph (1)(b) is an eligible greenhouse gas storage formation; and
 - (b) assuming that the part referred to in paragraph (1)(b) is an eligible greenhouse gas storage formation:
 - (i) the fundamental suitability determinants of the eligible greenhouse gas storage formation; and
 - (ii) an estimate of the spatial extent of the eligible greenhouse gas storage formation; and

- (c) such other information (if any) as is specified in the regulations.
- (4) An estimate of spatial extent must comply with such requirements as are specified in the regulations.

Requirement to give further information or carry out further analysis

- (5) The responsible Commonwealth Minister may, by written notice given to the applicant, require the applicant:
 - (a) to give the responsible Commonwealth Minister, within the period specified in the notice, further information in connection with the application; or
 - (b) to:
 - (i) carry out such further analysis of relevant information as is specified in the notice; and
 - (ii) give the responsible Commonwealth Minister, within the period specified in the notice, a written report of the results of that analysis.
- (6) If the applicant breaches a requirement under subsection (5), the responsible Commonwealth Minister may, by written notice given to the applicant:
 - (a) refuse to consider the application; or
 - (b) refuse to take any action, or any further action, in relation to the application.

Variation of application

- (7) At any time before the responsible Commonwealth Minister makes a decision on an application under this section, the applicant may, by written notice given to the responsible Commonwealth Minister, vary:
 - (a) any or all of the fundamental suitability determinants specified in the application; or
 - (b) the spatial extent estimated in the application.

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- (8) A variation of an application must be made in the approved manner.
- (9) A variation of an application may be made:
 - (a) on the applicant's own initiative; or
 - (b) at the request of the responsible Commonwealth Minister.
- (10) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

Declaration

- (11) If:
 - (a) an application is made under this section in relation to a part of a geological formation; and
 - (b) the responsible Commonwealth Minister is satisfied that, using the fundamental suitability determinants set out in the application:
 - (i) that part is an eligible greenhouse gas storage formation; and
 - (ii) the estimate of the spatial extent set out in the application is a reasonable estimate of the spatial extent of the eligible greenhouse gas storage formation;the responsible Commonwealth Minister must, by writing:
 - (c) declare that part to be an **identified greenhouse gas storage formation** for the purposes of this Act; and
 - (d) declare that, for the purposes of this Act, the spatial extent of the identified greenhouse gas storage formation is the spatial extent estimated in the application; and
 - (e) declare that the fundamental suitability determinants specified in the application are the **fundamental suitability determinants** of the identified greenhouse gas storage formation for the purposes of this Act.
- (12) A declaration under paragraph (11)(d) must set out the estimate of the spatial extent specified in the application.

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- (13) A declaration under paragraph (11)(e) must set out the fundamental suitability determinants specified in the application.
- (14) A copy of a declaration under subsection (11) must be published in the *Gazette*.

Refusal to make declaration

- (15) If:
 - (a) an application is made under this section in relation to a part of a geological formation; and
 - (b) the responsible Commonwealth Minister is not required by subsection (11) to make declarations under that subsection in relation to that part;the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to declare that part to be an identified greenhouse gas storage formation.

313 Variation of declaration of identified greenhouse gas storage formation

Scope

- (1) This section applies if a declaration is in force under section 312 in relation to a part of a geological formation.

Variation of declaration

- (2) The responsible Commonwealth Minister may, by writing, vary the declaration.
- (3) A variation of the declaration may be made:
 - (a) if the part is wholly situated in:
 - (i) the permit area of a greenhouse gas assessment permit; or
 - (ii) the lease area of a greenhouse gas holding lease; or
 - (iii) the licence area of a greenhouse gas injection licence; or
 - (iv) the licence area of a petroleum production licence; or

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- (v) the lease area of a petroleum retention lease;
on the application of the registered holder of the permit, lease or licence; or
- (b) on the responsible Commonwealth Minister's own initiative.

Application for variation

- (4) An application for a variation of the declaration must:
 - (a) set out the proposed variation; and
 - (b) specify the reasons for the proposed variation.

Criteria

- (5) In deciding whether to vary the declaration, the responsible Commonwealth Minister must have regard to:
 - (a) any new information; and
 - (b) any new analysis; and
 - (c) any relevant scientific or technological developments; and
 - (d) such other matters (if any) as the responsible Commonwealth Minister considers relevant.

Consultation

- (6) Before varying a declaration under subsection (2) on the responsible Commonwealth Minister's own initiative, the responsible Commonwealth Minister must consult:
 - (a) if the part is wholly situated in the permit area of a greenhouse gas assessment permit—the permittee; or
 - (b) if the part is wholly situated in the lease area of a greenhouse gas holding lease—the lessee; or
 - (c) if the part is wholly situated in the licence area of a greenhouse gas injection licence—the licensee; or
 - (d) if the part is wholly situated in the licence area of a petroleum production licence—the licensee; or
 - (e) if the part is wholly situated in the lease area of a petroleum retention lease—the lessee.

Publication

- (7) A copy of a variation under subsection (2) must be published in the *Gazette*.

Varied declarations

- (8) If a declaration in force under section 312 is varied, a reference in this Act to the declaration is a reference to the declaration as varied.

314 Revocation of declaration of identified greenhouse gas storage formation

Scope

- (1) This section applies if a declaration is in force under section 312 in relation to a part of a geological formation.

Revocation of declaration

- (2) The responsible Commonwealth Minister may revoke the declaration if the responsible Commonwealth Minister is satisfied that, using any set of fundamental suitability determinants, the part is not an eligible greenhouse gas storage formation.
- (3) A copy of a revocation under subsection (2) must be published in the *Gazette*.

Consultation

- (4) Before revoking a declaration under subsection (2), the responsible Commonwealth Minister must consult:
- (a) if the part is wholly situated in the permit area of a greenhouse gas assessment permit—the permittee; or
 - (b) if the part is wholly situated in the lease area of a greenhouse gas holding lease—the lessee; or
 - (c) if the part is wholly situated in the licence area of a greenhouse gas injection licence—the licensee; or

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- (d) if the part is wholly situated in the licence area of a petroleum production licence—the licensee; or
- (e) if the part is wholly situated in the lease area of a petroleum retention lease—the lessee.

Responsible Commonwealth Minister must consider whether to vary a declaration

- (5) If the responsible Commonwealth Minister proposes to revoke a declaration under subsection (2), the responsible Commonwealth Minister must consider whether the responsible Commonwealth Minister should instead vary the declaration under section 313.

315 Register of Identified Greenhouse Gas Storage Formations

- (1) The responsible Commonwealth Minister is to maintain a register, to be known as the Register of Identified Greenhouse Gas Storage Formations, in which the responsible Commonwealth Minister includes particulars of:
 - (a) declarations made under section 312; and
 - (b) variations of such declarations; and
 - (c) revocations of such declarations.
- (2) The Register may be maintained by electronic means.
- (3) The Register is to be made available for inspection on the internet.
- (4) The Register is not a legislative instrument.

Division 6—Directions

316 Responsible Commonwealth Minister may give directions to greenhouse gas assessment permittees

- (1) The responsible Commonwealth Minister may, by written notice given to a greenhouse gas assessment permittee, give the permittee a direction for the purpose of:
 - (a) eliminating; or
 - (b) mitigating; or
 - (c) managing;
the risk that operations carried on under the permit could have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:
 - (d) an existing petroleum exploration permit; or
 - (e) an existing petroleum retention lease; or
 - (f) an existing petroleum production licence; or
 - (g) a future petroleum exploration permit; or
 - (h) a future petroleum retention lease; or
 - (i) a future petroleum production licence.
- (2) A direction under this section has effect, and must be complied with, despite:
 - (a) any previous direction under this section; and
 - (b) anything in the regulations (other than prescribed regulations, or a prescribed provision of regulations, made under this Act) or the applied provisions.
- (3) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

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- (4) To avoid doubt, subsection (3) applies to an instrument, whether issued or made in Australia or outside Australia.
- (5) A direction under this section may prohibit the doing of an act or thing:
 - (a) unconditionally; or
 - (b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.
- (6) A direction under this section is not a legislative instrument.

317 Compliance with directions

- (1) A person commits an offence if:
 - (a) the person is given a direction under section 316; and
 - (b) the person engages in conduct; and
 - (c) the person's conduct breaches the direction.

Penalty: 100 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Part 3.3—Greenhouse gas holding leases

Division 1—General provisions

318 Simplified outline

The following is a simplified outline of this Part:

- This Part provides for the grant of greenhouse gas holding leases over blocks in an offshore area.
- A greenhouse gas holding lease authorises the lessee to explore in the lease area for potential greenhouse gas storage formations and potential greenhouse gas injection sites.
- A greenhouse gas holding lease may be granted to:
 - (a) the holder of a greenhouse gas assessment permit; or
 - (b) the holder of a greenhouse gas injection licence, where no greenhouse gas injection or permanent storage operations have been carried on under the licence; or
 - (c) an unsuccessful applicant for a greenhouse gas injection licence; or
 - (d) the holder of a petroleum retention lease.
- The main criteria for granting a greenhouse gas holding lease are:
 - (a) an identified greenhouse gas storage formation is wholly situated in the lease area; and

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- (b) the applicant is not currently in a position to inject and permanently store a greenhouse gas substance, but is likely to be in such a position within 15 years.

319 Rights conferred by greenhouse gas holding lease

- (1) A greenhouse gas holding lease authorises the lessee, in accordance with the conditions (if any) to which the lease is subject:
- (a) to explore in the lease area for a potential greenhouse gas storage formation; and
 - (b) to explore in the lease area for a potential greenhouse gas injection site; and
 - (c) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the lease area; and
 - (d) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the injection of the stored greenhouse gas substance takes place at a well situated in the lease area; and
 - (e) to inject, on an appraisal basis:
 - (i) air; or
 - (ii) petroleum; or
 - (iii) water;into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so long as the relevant well is situated in the lease area; and
 - (f) to store, on an appraisal basis:
 - (i) air; or
 - (ii) petroleum; or
 - (iii) water;in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (a) or (b), so

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long as the injection of the stored air, petroleum or water takes place at a well situated in the lease area; and

- (g) with the written consent of the responsible Commonwealth Minister, to recover petroleum in the lease area for the sole purpose of appraising a discovery of petroleum that was made as an incidental consequence of:
 - (i) the exploration authorised by paragraph (a) or (b); or
 - (ii) the injection authorised by paragraph (c) or (e); and
 - (h) to carry on such operations, and execute such works, in the lease area as are necessary for those purposes.
- (2) The rights conferred on the lessee by subsection (1) are subject to this Act and the regulations.
 - (3) If petroleum is recovered by the lessee in the lease area as authorised by paragraph (1)(g), the petroleum does not become the property of the lessee.
 - (4) A greenhouse gas holding lease does not authorise the lessee to make a well outside the lease area.

320 Conditions of greenhouse gas holding leases

- (1) The responsible Commonwealth Minister may grant a greenhouse gas holding lease subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.
- (2) The conditions (if any) must be specified in the lease.

Approval of key greenhouse gas operations

- (3) A greenhouse gas holding lease is subject to the condition that the lessee will not carry on key greenhouse gas operations under the lease unless:
 - (a) the responsible Commonwealth Minister has approved the operations under section 321; and
 - (b) the lessee complies with the conditions (if any) to which the approval is subject.

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Securities

- (4) A greenhouse gas holding lease is subject to the condition that, if the lessee is given a notice under section 454, the lessee will comply with the notice.

Work to be carried out by lessee

- (5) Any or all of the following conditions may be specified in a greenhouse gas holding lease:
- (a) conditions requiring the lessee to carry out work in, or in relation to, the lease area;
 - (b) conditions about the amounts that the lessee must spend in carrying out such work;
 - (c) conditions requiring the lessee to comply with directions that:
 - (i) relate to the matters covered by paragraphs (a) and (b); and
 - (ii) are given in accordance with the lease.

Other provisions

- (6) Despite subsection (2), the conditions mentioned in subsections (3) and (4) do not need to be specified in the lease.
- (7) Subsections (3), (4) and (5) do not limit subsection (1).

321 Approval by responsible Commonwealth Minister of key greenhouse gas operations

- (1) A greenhouse gas holding lessee may apply to the responsible Commonwealth Minister for approval to carry on one or more key greenhouse gas operations under the lease.
- (2) If an application for approval is made under subsection (1), the responsible Commonwealth Minister may:
- (a) give the approval, with or without conditions to which the approval is subject; or

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- (b) by written notice given to the applicant, refuse to give the approval.

Responsible Commonwealth Minister must have regard to certain matters

- (3) In deciding whether to give the approval, the responsible Commonwealth Minister must comply with subsections (4), (5), (6), (7) and (8).
- (4) The responsible Commonwealth Minister must have regard to the impact (if any) that any of those key greenhouse gas operations could have on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:
 - (a) an existing petroleum exploration permit; or
 - (b) an existing petroleum retention lease; or
 - (c) an existing petroleum production licence; or
 - (d) a future petroleum exploration permit; or
 - (e) a future petroleum retention lease; or
 - (f) a future petroleum production licence.
- (5) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:
 - (a) an existing petroleum exploration permit held by a person other than the applicant; or
 - (b) an existing petroleum retention lease held by a person other than the applicant; or
 - (c) an existing petroleum production licence held by a person other than the applicant;the responsible Commonwealth Minister must have regard to:
 - (d) whether the registered holder of the petroleum exploration permit, petroleum retention lease or petroleum production licence, as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in

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respect of which the responsible Commonwealth Minister is so satisfied; and

(e) if so—the terms of that agreement.

(6) If:

- (a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under:
 - (i) a future petroleum exploration permit over a block or blocks; or
 - (ii) a future petroleum retention lease over a block or blocks; or
 - (iii) a future petroleum production licence over a block or blocks; and
- (b) a petroleum exploration permit, petroleum retention lease or petroleum production licence is in force over the block or any of the blocks; and
- (c) the petroleum exploration permit, petroleum retention lease or petroleum production licence is held by a person other than the applicant;

the responsible Commonwealth Minister must have regard to:

- (d) whether the registered holder of the petroleum exploration permit, petroleum retention lease or petroleum production licence covered by paragraph (b) has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied; and
- (e) if so—the terms of that agreement.

(7) If any of those key greenhouse gas operations is:

- (a) an operation to inject, on an appraisal basis, a substance into a part of a geological formation; or
- (b) an operation to store, on an appraisal basis, a substance in a part of a geological formation;

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the responsible Commonwealth Minister must have regard to the composition of the substance.

- (8) The responsible Commonwealth Minister must have regard to the public interest.
- (9) Subsections (4), (5), (6) and (7) do not limit subsection (8).
- (10) Subsections (4), (5), (6), (7) and (8) do not limit the matters to which the responsible Commonwealth Minister may have regard.

Circumstances in which the approval must not be given

- (11) If the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:
 - (a) an existing pre-commencement petroleum title held by a person other than the applicant; or
 - (b) an existing post-commencement petroleum production licence held by a person other than the applicant;

the responsible Commonwealth Minister must not give the approval unless the registered holder of the pre-commencement petroleum title, or the post-commencement petroleum production licence, as the case may be, has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied.

- (12) If:
 - (a) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of those key greenhouse gas operations will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre-commencement petroleum title over a block or blocks; and

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- (b) the existing pre-commencement petroleum title in force over the block or any of the blocks is held by a person other than the applicant;

the responsible Commonwealth Minister must not give the approval unless the registered holder of the existing pre-commencement petroleum title has agreed, in writing, to the applicant carrying on the key greenhouse gas operations in respect of which the responsible Commonwealth Minister is so satisfied.

No right to an approval

- (13) To avoid doubt, section 319 does not imply that a greenhouse gas holding lessee who applies for approval under subsection (1) of this section is entitled to be given the approval.

Suspension of rights

- (14) For the purposes of this section, disregard a suspension of rights under section 266.

322 Duration of greenhouse gas holding lease

- (1) A greenhouse gas holding lease (other than a special greenhouse gas holding lease) remains in force for the period of 5 years beginning on:
- (a) the day on which the lease is granted; or
 - (b) if a later day is specified in the lease as the day on which the lease is to come into force—that later day.
- (2) A special greenhouse gas holding lease remains in force indefinitely.
- (3) Subsections (1) and (2) have effect subject to this Chapter.

Note 1: For a special rule about the extension of the duration of a greenhouse gas holding lease if the lessee applies for a special greenhouse gas holding lease or greenhouse gas injection licence, see section 323.

Note 2: For a special rule about the cancellation of a special greenhouse gas holding lease, see section 353.

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- Note 2A: For a special rule about the cancellation of a greenhouse gas holding lease granted to the holder of a petroleum retention lease, see section 354.
- Note 3: For a special rule about the extension of the duration of a greenhouse gas holding lease pending a decision on a renewal application, see subsection 347(6).
- Note 4: For special rules about the duration of a greenhouse gas holding lease once a decision has been made refusing to renew the lease, see subsections 349(4) and (5).
- Note 5: For special rules about the extension of the duration of a greenhouse gas holding lease following a suspension decision, see sections 437 and 439.
- Note 5A: For a special rule about the extension of the duration of a greenhouse gas holding lease pending a suspension decision, see section 437A.
- Note 6: For a special rule about when a greenhouse gas holding lease ceases to be in force following the grant of a greenhouse gas injection licence, see section 366.
- Note 7: For the surrender of a greenhouse gas holding lease, see Part 3.10.
- Note 8: For the cancellation of a greenhouse gas holding lease, see Part 3.11.

323 Extension of greenhouse gas holding lease if lessee applies for a special greenhouse gas holding lease or greenhouse gas injection licence

- (1) If:
- (a) a greenhouse gas holding lease (other than a special greenhouse gas holding lease) is in force over a block or blocks; and
 - (b) before the time when the lease would, apart from this subsection, expire, the lessee applies to the responsible Commonwealth Minister for the grant of a special greenhouse gas holding lease or greenhouse gas injection licence over the block or one or more of the blocks;
- the table has effect:

Chapter 3 Regulation of activities relating to injection and storage of greenhouse gas substances

Part 3.3 Greenhouse gas holding leases

Division 1 General provisions

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Extension of lease		
Item	In this case...	the lease continues in force over the block or blocks covered by the application until...
1	the responsible Commonwealth Minister gives the lessee an offer document relating to a special greenhouse gas holding lease or greenhouse gas injection licence over the block or one or more of the blocks	the special greenhouse gas holding lease or greenhouse gas injection licence is granted, the lessee withdraws the application or the application lapses.
2	the application is for a special greenhouse gas holding lease and the responsible Commonwealth Minister refuses to grant the lease to the lessee	notice of the refusal is given to the lessee.
3	the application is for a greenhouse gas injection licence and the responsible Commonwealth Minister refuses to grant the licence to the lessee on a ground covered by paragraph 362(2)(c), (d), (e), (f) or (g)	the end of the period of 90 days after the day on which the notice of the refusal was given to the lessee.
4	the application is for a greenhouse gas injection licence and the responsible Commonwealth Minister refuses to grant the licence to the lessee on a ground not mentioned in item 3	notice of refusal is given to the lessee.

(2) Subsection (1) has effect subject to this Chapter but despite section 322.

Note: See the notes at the end of section 322.

Division 2—Obtaining a greenhouse gas holding lease

Subdivision A—Application for greenhouse gas holding lease by the holder of a greenhouse gas assessment permit

324 Application for greenhouse gas holding lease by the holder of a greenhouse gas assessment permit

Scope

- (1) This section applies if:
- (a) a greenhouse gas assessment permit is in force; and
 - (b) one or more identified greenhouse gas storage formations are wholly situated in the permit area.

Single identified greenhouse gas storage formation

- (2) If a single identified greenhouse gas storage formation extends to:
- (a) only one block in the permit area; or
 - (b) 2 or more blocks in the permit area;
- the permittee may, within the application period, apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block or blocks to which the identified greenhouse gas storage formation extends.

Note: For *application period*, see subsection (8).

Multiple identified greenhouse gas storage formations

- (3) If:
- (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to only one block in the permit area; and
 - (b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations;

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the permittee may, within the application period, apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block to which the identified greenhouse gas storage formations, when considered together, extend.

Note: For *application period*, see subsection (8).

(4) If:

- (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to:
 - (i) only one block in the permit area; or
 - (ii) 2 or more blocks in the permit area; and
- (b) a vertical line would pass through a point in each of those identified greenhouse gas storage formations;

the permittee may, within the application period, apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend.

Note: For *application period*, see subsection (8).

(5) If:

- (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to 2 or more blocks in the permit area; and
- (b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and
- (c) for each identified greenhouse gas storage formation, at least one of the blocks to which the identified greenhouse gas storage formation extends immediately adjoins a block to which the other, or another, of those identified greenhouse gas storage formations extends;

the permittee may, within the application period, apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the blocks to which the identified greenhouse gas storage formations, when considered together, extend.

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Note: For ***application period***, see subsection (8).

- (6) For the purposes of subsection (5), a block immediately adjoins another block if the graticular section that constitutes or includes that block and the graticular section that constitutes or includes that other block:
- (a) have a side in common; or
 - (b) are joined together at one point only.

Application

- (7) An application under this section must be accompanied by:
- (a) details of the applicant's proposals for work and expenditure in relation to:
 - (i) if there is a single identified greenhouse gas storage formation—the block or blocks, as the case may be, to which the identified greenhouse gas storage formation extends; or
 - (ii) if there are 2 or more identified greenhouse gas storage formations—the block or blocks, as the case may be, to which the identified greenhouse gas storage formations, when considered together, extend; and
 - (b) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

Application period

- (8) The ***application period*** for an application under this section is:
- (a) the period of 12 months after:
 - (i) if there is a single identified greenhouse gas storage formation—the day on which the declaration of the

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identified greenhouse gas storage formation was made by the responsible Commonwealth Minister; or

- (ii) if there are 2 or more identified greenhouse gas storage formations—the earliest day on which a declaration of any of the identified greenhouse gas storage formations was made by the responsible Commonwealth Minister; or

- (b) such longer period, not more than 180 days after that day, as the responsible Commonwealth Minister allows.

- (9) The responsible Commonwealth Minister may allow a longer period under paragraph (8)(b) only on written application made by the permittee within the period of 12 months mentioned in paragraph (8)(a).

Variation of application

- (10) At any time before an offer document, or notice of refusal, relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.
- (11) A variation of an application must be made in the approved manner.
- (12) A variation of an application may be made:
 - (a) on the applicant's own initiative; or
 - (b) at the request of the responsible Commonwealth Minister.
- (13) A variation of an application may set out any additional matters that the applicant wishes to be considered.
- (14) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

325 Grant of greenhouse gas holding lease—offer document

Single identified greenhouse gas storage formation

- (1) If:
- (a) an application for a greenhouse gas holding lease has been made under subsection 324(2); and
 - (b) the responsible Commonwealth Minister is satisfied that the applicant is not, at the time of the application, in a position to:
 - (i) inject a greenhouse gas substance into the identified greenhouse gas storage formation concerned; and
 - (ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation concerned;but is likely to be in such a position within 15 years;
- the responsible Commonwealth Minister must give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas holding lease over the block or blocks specified in the application.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 429 to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 429(3).

Multiple identified greenhouse gas storage formations

- (2) If:
- (a) an application for a greenhouse gas holding lease has been made under subsection 324(3), (4) or (5); and
 - (b) the responsible Commonwealth Minister is satisfied that the applicant is not, at the time of the application, in a position to:

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- (i) inject a greenhouse gas substance into at least one of the identified greenhouse gas storage formations concerned; and
- (ii) permanently store the greenhouse gas substance in at least one of the identified greenhouse gas storage formations concerned;

but is likely to be in such a position within 15 years;

the responsible Commonwealth Minister must give the applicant a written notice (called an *offer document*) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas holding lease over the block or blocks specified in the application.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 429 to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 429(3).

326 Refusal to grant greenhouse gas holding lease

Scope

- (1) This section applies if an application for a greenhouse gas holding lease has been made under section 324.

Refusal notice

- (2) If the responsible Commonwealth Minister is not satisfied as to:
 - (a) in the case of an application made under subsection 324(2)—a matter referred to in paragraph 325(1)(b); or
 - (b) in the case of an application made under subsection 324(3), (4) or (5)—a matter referred to in paragraph 325(2)(b);the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to grant a greenhouse gas holding lease to the applicant.

327 Grant of greenhouse gas holding lease

If:

- (a) an applicant has been given an offer document under section 325; and
- (b) the applicant has made a request under section 431 in relation to the offer document within the period applicable under that section; and
- (c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas holding lease over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 431 within the period applicable under that section, the application lapses at the end of that period—see subsection 431(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

328 Greenhouse gas assessment permit ceases to be in force when greenhouse gas holding lease comes into force

When a greenhouse gas holding lease under section 327 comes into force in relation to one or more blocks, a greenhouse gas assessment permit ceases to be in force to the extent to which it relates to those blocks.

329 Greenhouse gas assessment permit transferred—transferee to be treated as applicant

Scope

- (1) This section applies if a transfer of a greenhouse gas assessment permit is registered under section 530:

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- (a) after an application has been made under section 324 for the grant of a greenhouse gas holding lease over a block or blocks in relation to which the greenhouse gas assessment permit is in force; and
- (b) before any action has been taken by the responsible Commonwealth Minister under section 325 or 326 in relation to the application.

Transferee to be treated as applicant

- (2) After the transfer, sections 324 to 327 and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Subdivision B—Application for greenhouse gas holding lease by the holder of a greenhouse gas injection licence

330 Application for greenhouse gas holding lease by the holder of a greenhouse gas injection licence

- (1) If:
 - (a) a greenhouse gas injection licence is in force over a block or blocks; and
 - (b) one or more identified greenhouse gas storage formations are wholly situated in the licence area;the licensee may, within the application period, apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block or blocks.

Note: For *application period*, see subsection (3).

- (2) An application under this section must be accompanied by details of:
 - (a) the applicant's proposals for work and expenditure in relation to the block or blocks specified in the application; and
 - (b) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

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Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

Application period

- (3) The ***application period*** for an application under this section by a licensee is the period of 5 years that began on the day on which the licence was granted.

Variation of application

- (4) At any time before an offer document, or a notice of refusal, relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.
- (5) A variation of an application must be made in the approved manner.
- (6) A variation of an application may be made:
- (a) on the applicant's own initiative; or
 - (b) at the request of the responsible Commonwealth Minister.
- (7) A variation of an application may set out any additional matters that the applicant wishes to be considered.
- (8) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

331 Grant of greenhouse gas holding lease—offer document

If:

- (a) an application for a greenhouse gas holding lease has been made under section 330; and
- (b) the responsible Commonwealth Minister is satisfied that the applicant is not, at the time of the application, in a position to:

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- (i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and
- (ii) store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned;

but is likely to be in such a position within 15 years;
the responsible Commonwealth Minister must give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas holding lease over the block or blocks specified in the application.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 429 to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 429(3).

332 Refusal to grant greenhouse gas holding lease

If:

- (a) an application for a greenhouse gas holding lease has been made under section 330; and
- (b) the responsible Commonwealth Minister is not satisfied as to the matter referred to in paragraph 331(b) in relation to the block or blocks specified in the application;

the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to grant a greenhouse gas holding lease to the applicant.

Note: Consultation procedures apply—see section 434.

333 Grant of greenhouse gas holding lease

If:

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- (a) an applicant has been given an offer document under section 331; and
- (b) the applicant has made a request under section 431 in relation to the offer document within the period applicable under that section; and
- (c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas holding lease over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 431 within the period applicable under that section, the application lapses at the end of that period—see subsection 431(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

334 Greenhouse gas injection licence ceases to be in force when greenhouse gas holding lease comes into force

When a greenhouse gas holding lease under section 333 comes into force in relation to one or more blocks, a greenhouse gas injection licence ceases to be in force to the extent to which it relates to those blocks.

335 Greenhouse gas injection licence transferred—transferee to be treated as applicant

Scope

- (1) This section applies if a transfer of a greenhouse gas injection licence is registered under section 530:
 - (a) after an application has been made under section 330 for the grant of a greenhouse gas holding lease over the block or

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blocks in relation to which the greenhouse gas injection licence is in force; and

- (b) before any action has been taken by the responsible Commonwealth Minister under section 331 or 332 in relation to the application.

Transferee to be treated as applicant

- (2) After the transfer, sections 330 to 333 and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Subdivision C—Application for special greenhouse gas holding lease by an unsuccessful applicant for a greenhouse gas injection licence

336 Application for special greenhouse gas holding lease by an unsuccessful applicant for a greenhouse gas injection licence

- (1) If:
 - (a) either of the following is in force:
 - (i) a greenhouse gas assessment permit;
 - (ii) a greenhouse gas holding lease (other than a special greenhouse gas holding lease); and
 - (b) one or more identified greenhouse gas storage formations are wholly situated in the permit area or lease area; and
 - (c) the permittee or lessee makes an application under section 361 for the grant of a greenhouse gas injection licence over the block or blocks in which the identified greenhouse gas storage formation or formations are wholly situated; and
 - (d) if the applicant holds a greenhouse gas assessment permit—the responsible Commonwealth Minister refuses to grant the greenhouse gas injection licence on a ground covered by paragraph 362(1)(c), (d), (e), (f) or (g); and

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- (e) if the applicant holds a greenhouse gas holding lease—the responsible Commonwealth Minister refuses to grant the greenhouse gas injection licence on a ground covered by paragraph 362(2)(c), (d), (e), (f) or (g);

the permittee or lessee may, within the application period, apply to the responsible Commonwealth Minister for the grant of a special greenhouse gas holding lease over the block or blocks covered by the unsuccessful application for the greenhouse gas injection licence.

Note: For *application period*, see subsection (3).

- (2) An application under this section must be accompanied by such information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

Application period

- (3) The *application period* for an application under this section by a permittee or lessee is the period of 90 days that began on the day on which the permittee or lessee was notified of the refusal to grant the greenhouse gas injection licence.

Variation of application

- (4) At any time before an offer document relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.
- (5) A variation of an application must be made in the approved manner.
- (6) A variation of an application may be made:
- (a) on the applicant's own initiative; or
 - (b) at the request of the responsible Commonwealth Minister.

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- (7) A variation of an application may set out any additional matters that the applicant wishes to be considered.
- (8) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

337 Grant of special greenhouse gas holding lease—offer document

Scope

- (1) This section applies if an application for a special greenhouse gas holding lease has been made under section 336.

Offer document

- (2) The responsible Commonwealth Minister must give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a special greenhouse gas holding lease over the block or blocks covered by the application.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 429 to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 429(3).

338 Grant of special greenhouse gas holding lease

- (1) If:
 - (a) an applicant has been given an offer document under section 337; and
 - (b) the applicant has made a request under section 431 in relation to the offer document within the period applicable under that section; and
 - (c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has

lodged the security within the period applicable under section 433;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas holding lease over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 431 within the period applicable under that section, the application lapses at the end of that period—see subsection 431(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

- (2) A greenhouse gas holding lease granted under subsection (1) is to be known as a *special greenhouse gas holding lease*.

339 Greenhouse gas assessment permit ceases to be in force when special greenhouse gas holding lease comes into force

When a special greenhouse gas holding lease under section 338 comes into force in relation to one or more blocks, a greenhouse gas assessment permit ceases to be in force to the extent to which it relates to those blocks.

340 Ordinary greenhouse gas holding lease ceases to be in force when special greenhouse gas holding lease comes into force

When a special greenhouse gas holding lease under section 338 comes into force in relation to one or more blocks, a greenhouse gas holding lease (other than a special greenhouse gas holding lease) ceases to be in force to the extent to which it relates to those blocks.

Section 341

341 Greenhouse gas assessment permit transfer—transferee to be treated as applicant

Scope

- (1) This section applies if a transfer of a greenhouse gas assessment permit is registered under section 530:
 - (a) after an application has been made under section 336 for the grant of a special greenhouse gas holding lease over a block or blocks in relation to which the greenhouse gas assessment permit is in force; and
 - (b) before any action has been taken by the responsible Commonwealth Minister under section 337 in relation to the application.

Transferee to be treated as applicant

- (2) After the transfer, sections 337 and 338 and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

342 Greenhouse gas holding lease transfer—transferee to be treated as applicant

Scope

- (1) This section applies if a transfer of a greenhouse gas holding lease is registered under section 530:
 - (a) after an application has been made under section 336 for the grant of a special greenhouse gas holding lease over a block or blocks in relation to which the first-mentioned greenhouse gas holding lease is in force; and
 - (b) before any action has been taken by the responsible Commonwealth Minister under section 337 in relation to the application.

Transferee to be treated as applicant

- (2) After the transfer, sections 337 and 338 and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Subdivision D—Application for greenhouse gas holding lease by the holder of a petroleum retention lease

343 Application for greenhouse gas holding lease by the holder of a petroleum retention lease

Scope

- (1) This section applies if:
- (a) a petroleum retention lease is in force; and
 - (b) one or more identified greenhouse gas storage formations are wholly situated in the lease area.

Single identified greenhouse gas storage formation

- (1A) If:
- (a) a single identified greenhouse gas storage formation extends to:
 - (i) only one block in the lease area; or
 - (ii) 2 or more blocks in the lease area; and
 - (b) none of the following is in force over the block or blocks to which the identified greenhouse gas storage formation extends:
 - (i) a greenhouse gas injection licence;
 - (ii) a greenhouse gas holding lease;
 - (iii) a greenhouse gas assessment permit;
- the petroleum retention lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block or blocks to which the identified greenhouse gas storage formation extends.

Section 343

Multiple identified greenhouse gas storage formations

(1B) If:

- (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to only one block in the lease area; and
- (b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and
- (c) none of the following is in force over the block to which the identified greenhouse gas storage formations, when considered together, extend:
 - (i) a greenhouse gas injection licence;
 - (ii) a greenhouse gas holding lease;
 - (iii) a greenhouse gas assessment permit;

the petroleum retention lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block to which the identified greenhouse gas storage formations, when considered together, extend.

(1C) If:

- (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to:
 - (i) only one block in the lease area; or
 - (ii) 2 or more blocks in the lease area; and
- (b) a vertical line would pass through a point in each of those identified greenhouse gas storage formations; and
- (c) none of the following is in force over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend:
 - (i) a greenhouse gas injection licence;
 - (ii) a greenhouse gas holding lease;
 - (iii) a greenhouse gas assessment permit;

the petroleum retention lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend.

(1D) If:

- (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to 2 or more blocks in the lease area; and
- (b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and
- (c) for each identified greenhouse gas storage formation, at least one of the blocks to which the identified greenhouse gas storage formation extends immediately adjoins a block to which the other, or another, of those identified greenhouse gas storage formations extends; and
- (d) none of the following is in force over the blocks to which the identified greenhouse gas storage formations, when considered together, extend:
 - (i) a greenhouse gas injection licence;
 - (ii) a greenhouse gas holding lease;
 - (iii) a greenhouse gas assessment permit;

the petroleum retention lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas holding lease over the blocks to which the identified greenhouse gas storage formations, when considered together, extend.

(1E) For the purposes of subsection (1D), a block immediately adjoins another block if the graticular section that constitutes or includes that block and the graticular section that constitutes or includes that other block:

- (a) have a side in common; or
- (b) are joined together at one point only.

Application

(2) An application under this section must be accompanied by such information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

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Note 3: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

Variation of application

- (3) At any time before an offer document relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.
- (4) A variation of an application must be made in the approved manner.
- (5) A variation of an application may be made:
 - (a) on the applicant's own initiative; or
 - (b) at the request of the responsible Commonwealth Minister.
- (6) A variation of an application may set out any additional matters that the applicant wishes to be considered.
- (7) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

344 Grant of greenhouse gas holding lease—offer document

Scope

- (1) This section applies if an application for a greenhouse gas holding lease has been made under section 343.

Offer document

- (2) The responsible Commonwealth Minister must give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas holding lease over the block or blocks covered by the application.

Note 1: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Note 2: If the applicant breaches a requirement under section 429 to provide further information, the responsible Commonwealth Minister may refuse to give the applicant an offer document—see subsection 429(3).

345 Grant of greenhouse gas holding lease

If:

- (a) an applicant has been given an offer document under section 344; and
- (b) the applicant has made a request under section 431 in relation to the offer document within the period applicable under that section; and
- (c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas holding lease over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 431 within the period applicable under that section, the application lapses at the end of that period—see subsection 431(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

346 Petroleum retention lease transfer—transferee to be treated as applicant

Scope

- (1) This section applies if a transfer of a petroleum retention lease is registered under section 479:
 - (a) after an application has been made under section 343 for the grant of a greenhouse gas holding lease over a block or blocks in relation to which the petroleum retention lease is in force; and

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Section 346

- (b) before any action has been taken by the responsible Commonwealth Minister under section 344 in relation to the application.

Transferee to be treated as applicant

- (2) After the transfer, sections 344 and 345 and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Division 3—Renewal of greenhouse gas holding leases

347 Application for renewal of greenhouse gas holding lease

Application for renewal

- (1) The registered holder of a greenhouse gas holding lease (other than a special greenhouse gas holding lease) may apply to the responsible Commonwealth Minister for the renewal by the responsible Commonwealth Minister of the lease.
- (2) A greenhouse gas holding lease cannot be renewed more than once.
- (3) An application to renew a greenhouse gas holding lease must be made:
 - (a) not more than 12 months before the expiry date of the lease; and
 - (b) at least 180 days before the expiry date of the lease.
- (4) Despite subsection (3), the responsible Commonwealth Minister may accept an application to renew a greenhouse gas holding lease if the application is made:
 - (a) later than 180 days before the expiry date of the lease; and
 - (b) before the expiry date of the lease.
- (5) An application to renew a greenhouse gas holding lease must be accompanied by details of:
 - (a) the lessee's proposals for work and expenditure in relation to the lease area; and
 - (b) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

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Note 3: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

Extension of duration of greenhouse gas holding lease pending decision on application

- (6) If:
- (a) a greenhouse gas holding lessee makes an application to renew the lease; and
 - (b) the lease would, apart from this subsection, expire:
 - (i) before the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the lease; or
 - (ii) before the application lapses as provided by section 431;
- the lease continues in force:
- (c) until the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the lease; or
 - (d) until the application so lapses;
- whichever happens first.
- (7) Subsection (6) has effect subject to this Chapter but despite section 322.

Note: See the notes at the end of section 322.

348 Renewal of greenhouse gas holding lease—offer document

Scope

- (1) This section applies if an application to renew a greenhouse gas holding lease has been made under section 347.

Offer document—compliance with conditions etc.

- (2) If:
- (a) each of the following has been complied with:
 - (i) the conditions to which the greenhouse gas holding lease is, or has from time to time been, subject;

- (ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1;
- (iii) the regulations; and
- (b) the responsible Commonwealth Minister is satisfied that the applicant is not, at the time of the application, in a position to:
 - (i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and
 - (ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned;

but is likely to be in such a position within 10 years;

the responsible Commonwealth Minister must give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to renew the lease.

Note: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

Offer document—non-compliance with conditions etc.

- (3) If:
 - (a) any of:
 - (i) the conditions to which the greenhouse gas holding lease is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1; or
 - (iii) the provisions of the regulations; have not been complied with; and
 - (b) the responsible Commonwealth Minister is satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas holding lease; and

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- (c) the responsible Commonwealth Minister is satisfied that the applicant is not, at the time of the application, in a position to:
- (i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and
 - (ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned;

but is likely to be in such a position within 10 years;

the responsible Commonwealth Minister may give the applicant a written notice (called an *offer document*) telling the applicant that the responsible Commonwealth Minister is prepared to renew the lease.

Note: Section 430 sets out additional requirements for offer documents (for example, a requirement that an offer document must contain a summary of conditions).

349 Refusal to renew greenhouse gas holding lease

Scope

- (1) This section applies if an application to renew a greenhouse gas holding lease has been made under section 347.

Refusal on grounds of non-compliance with conditions

- (2) If:
- (a) any of:
 - (i) the conditions to which the greenhouse gas holding lease is, or has from time to time been, subject; or
 - (ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1; or
 - (iii) the provisions of the regulations;have not been complied with; and

- (b) the responsible Commonwealth Minister is not satisfied that there are sufficient grounds to warrant the granting of the renewal of the greenhouse gas holding lease;

the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to renew the lease.

Note: Consultation procedures apply—see section 434.

Refusal on grounds that the applicant is in a position to inject and permanently store a greenhouse gas substance

- (3) If the responsible Commonwealth Minister is satisfied that the applicant is, at the time of the application, in a position to:
 - (a) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and
 - (b) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned;the responsible Commonwealth Minister must, by written notice given to the applicant, refuse to renew the lease.

Note: Consultation procedures apply—see section 434.

- (4) If:
 - (a) the responsible Commonwealth Minister makes a decision under subsection (3) refusing to renew the lease; and
 - (b) a notice of refusal is given to the applicant; and
 - (c) within 12 months after the notice was given, the lessee applies for a greenhouse gas injection licence over one or more of the blocks comprised in the lease; and
 - (d) the lease would, apart from this subsection, expire:
 - (i) before the responsible Commonwealth Minister grants, or refuses to grant, the greenhouse gas injection licence; or
 - (ii) before the application lapses;the lease continues in force until:

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- (e) the responsible Commonwealth Minister grants, or refuses to grant, the greenhouse gas injection licence; or
 - (f) the application lapses;whichever happens first.
- (5) If:
 - (a) the responsible Commonwealth Minister makes a decision under subsection (3) refusing to renew the lease; and
 - (b) a notice of refusal is given to the applicant; and
 - (c) subsection (4) does not apply; and
 - (d) the lease would, apart from this subsection, expire within 12 months after the notice was given;the lease continues in force until the end of the 12-month period beginning on the day on which the notice was given.
- (6) Subsections (4) and (5) have effect subject to this Chapter but despite section 322.

Note: See the notes at the end of section 322.

350 Renewal of greenhouse gas holding lease

If:

- (a) an applicant has been given an offer document under section 348; and
- (b) the applicant has made a request under section 431 in relation to the offer document within the period applicable under that section; and
- (c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the responsible Commonwealth Minister must renew the greenhouse gas holding lease.

Note 1: If the applicant does not make a request under section 431 within the period applicable under that section, the application lapses at the end of that period—see subsection 431(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

Division 4—Directions

351 Responsible Commonwealth Minister may give directions to greenhouse gas holding lessees

- (1) The responsible Commonwealth Minister may, by written notice given to a greenhouse gas holding lessee, give the lessee a direction for the purpose of:
 - (a) eliminating; or
 - (b) mitigating; or
 - (c) managing;
the risk that operations carried on under the lease could have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:
 - (d) an existing petroleum exploration permit; or
 - (e) an existing petroleum retention lease; or
 - (f) an existing petroleum production licence; or
 - (g) a future petroleum exploration permit; or
 - (h) a future petroleum retention lease; or
 - (i) a future petroleum production licence.
- (2) A direction under this section has effect, and must be complied with, despite:
 - (a) any previous direction under this section; and
 - (b) anything in the regulations (other than prescribed regulations, or a prescribed provision of regulations, made under this Act) or the applied provisions.
- (3) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.

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- (4) To avoid doubt, subsection (3) applies to an instrument, whether issued or made in Australia or outside Australia.
- (5) A direction under this section may prohibit the doing of an act or thing:
 - (a) unconditionally; or
 - (b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.
- (6) A direction under this section is not a legislative instrument.

352 Compliance with directions

- (1) A person commits an offence if:
 - (a) the person is given a direction under section 351; and
 - (b) the person engages in conduct; and
 - (c) the person's conduct breaches the direction.

Penalty: 100 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Division 5—Special greenhouse gas holding lessee may be requested to apply for a greenhouse gas injection licence

353 Responsible Commonwealth Minister may request special greenhouse gas holding lessee to apply for a greenhouse gas injection licence

- (1) If:
- (a) a special greenhouse gas holding lease is in force; and
 - (b) one or more identified greenhouse gas storage formations are wholly situated in the lease area; and
 - (c) the responsible Commonwealth Minister is satisfied that, if the lessee were to apply under section 361 for the grant of a greenhouse gas injection licence over the block or blocks in which the identified greenhouse gas storage formation or formations are wholly situated, the responsible Commonwealth Minister would not refuse to grant the greenhouse gas injection licence on a ground covered by paragraph 362(2)(c), (d), (e), (f) or (g);
- the responsible Commonwealth Minister may, by written notice given to the lessee:
- (d) request the lessee to notify the responsible Commonwealth Minister, within 180 days after the day on which the notice is given to the lessee, of the lessee's intention to apply for the greenhouse gas injection licence; and
 - (e) request the lessee to apply for the greenhouse gas injection licence within 2 years after the day on which the notice is given to the lessee.
- (2) If the lessee does not comply with a request under subsection (1), the responsible Commonwealth Minister may cancel the lease.

**Division 6—Cancellation of certain greenhouse gas holding
leases granted to the holders of petroleum
retention leases**

**354 Cancellation of certain greenhouse gas holding leases granted to
the holders of petroleum retention leases**

Scope

- (1) This section applies if:
 - (a) a greenhouse gas holding lease is tied to a petroleum retention lease; and
 - (b) the petroleum retention lease is cancelled, surrendered or wholly revoked.

Cancellation of greenhouse gas holding lease

- (2) The responsible Commonwealth Minister must cancel the greenhouse gas holding lease.

Part 3.4—Greenhouse gas injection licences

Division 1—General provisions

355 Simplified outline

The following is a simplified outline of this Part:

- It is an offence to:
 - (a) inject a substance into the seabed or subsoil of an offshore area; or
 - (b) store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area;
- except:
 - (c) under a greenhouse gas injection licence; or
 - (d) as otherwise authorised or required by or under this Act or any other law of the Commonwealth; or
 - (e) if the injection or storage operations are specified in the regulations.
- This Part provides for the grant of greenhouse gas injection licences over blocks in an offshore area.
- A greenhouse gas injection licence authorises the licensee to carry out operations for the injection and permanent storage of greenhouse gas substances in the licence area, so long as the greenhouse gas substance is injected into, or permanently stored in, an identified greenhouse gas storage formation.

- There are 2 ways in which a greenhouse gas injection licence can be granted:
 - (a) grant of a greenhouse gas injection licence as a result of an application made by a greenhouse gas assessment permittee or greenhouse gas holding lessee;
 - (b) grant of a greenhouse gas injection licence as a result of an application made by a petroleum production licensee.

356 Prohibition of unauthorised injection and storage of substances in offshore area

- (1) A person commits an offence if:
- (a) the person carries on operations to inject a substance into the seabed or subsoil of an offshore area; or
 - (b) the person carries on operations to store (whether on a permanent basis or otherwise) a substance in the seabed or subsoil of an offshore area.

Penalty: Imprisonment for 5 years.

- (2) Subsection (1) does not apply if the operations are:
- (a) authorised by a greenhouse gas injection licence; or
 - (b) otherwise authorised or required by or under:
 - (i) this Act; or
 - (ii) any other law of the Commonwealth; or
 - (c) specified in the regulations.

Note: The defendant bears an evidential burden in relation to the matter in subsection (2)—see subsection 13.3(3) of the *Criminal Code*.

Section 357

357 Rights conferred by greenhouse gas injection licence

- (1) A greenhouse gas injection licence authorises the licensee, in accordance with the conditions (if any) to which the licence is subject:
- (a) to inject a greenhouse gas substance into an identified greenhouse gas storage formation that is wholly situated in the licence area, so long as the relevant well is situated in the licence area; and
 - (b) to permanently store a greenhouse gas substance in an identified greenhouse gas storage formation that is wholly situated in the licence area, so long as the injection of the stored greenhouse gas substance takes place at a well situated in the licence area; and
 - (c) to explore in the licence area for a potential greenhouse gas storage formation; and
 - (d) to explore in the licence area for a potential greenhouse gas injection site; and
 - (e) to inject, on an appraisal basis, a greenhouse gas substance into a part of a geological formation, so long as the relevant well is situated in the licence area; and
 - (f) to store, on an appraisal basis, a greenhouse gas substance in a part of a geological formation, so long as the injection of the stored greenhouse gas substance takes place at a well situated in the licence area; and
 - (g) to inject, on an appraisal basis:
 - (i) air; or
 - (ii) petroleum; or
 - (iii) water;into a part of a geological formation for purposes in connection with the exploration authorised by paragraph (c) or (d), so long as the relevant well is situated in the licence area; and
 - (h) to store, on an appraisal basis:
 - (i) air; or
 - (ii) petroleum; or
-

- (iii) water;
in a part of a geological formation for purposes in connection with the exploration authorised by paragraph (c) or (d), so long as the injection of the stored air, petroleum or water takes place at a well situated in the licence area; and
 - (i) with the written consent of the responsible Commonwealth Minister, to recover petroleum in the licence area for the sole purpose of appraising a discovery of petroleum that was made as an incidental consequence of:
 - (i) the injection authorised by paragraph (a), (e) or (g); or
 - (ii) the exploration authorised by paragraph (c) or (d); and
 - (j) to carry on such operations, and execute such works, in the licence area as are necessary for those purposes.
- (2) The rights conferred on the licensee by subsection (1) are subject to this Act and the regulations.
- (3) If petroleum is recovered by the licensee in the licence area as authorised by paragraph (1)(i), the petroleum does not become the property of the licensee.
- (4) A greenhouse gas injection licence does not authorise the licensee to make a well outside the licence area.

358 Conditions of greenhouse gas injection licences

- (1) The responsible Commonwealth Minister may grant a greenhouse gas injection licence subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.
- (2) The conditions (if any) must be specified in the licence.

Injection and storage of greenhouse gas substance

- (3) A greenhouse gas injection licence is subject to the condition that the licensee will not:

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- (a) inject a greenhouse gas substance into an identified greenhouse gas storage formation that is wholly situated in the licence area; or
- (b) permanently store a greenhouse gas substance in an identified greenhouse gas storage formation that is wholly situated in the licence area;

unless:

- (c) the identified greenhouse gas storage formation is specified in the licence; and
- (d) the greenhouse gas substance is of a kind that is specified in the licence; and
- (e) the greenhouse gas substance complies with such requirements (if any) as are specified in the licence; and
- (f) the origin or origins of the greenhouse gas substance are as specified in the licence; and
- (g) the greenhouse gas substance is injected at a potential greenhouse gas injection site or sites specified in the licence; and
- (h) the greenhouse gas substance is injected during a period specified in the licence; and
- (i) the sum of:
 - (i) the total amount of greenhouse gas substance that has already been injected into the identified greenhouse gas storage formation; and
 - (ii) the total amount of greenhouse gas substance that is proposed to be injected into the identified greenhouse gas storage formation;does not exceed the amount specified in the licence; and
- (j) the rate, or range of rates, of injection of the greenhouse gas substance is as specified in the licence; and
- (k) in a case where the fundamental suitability determinants of the identified greenhouse gas storage formation include particular engineering enhancements—those engineering enhancements have been made.

- (4) The matters specified in the licence as mentioned in paragraphs (3)(d) to (k) must not be inconsistent with the fundamental suitability determinants of the identified greenhouse gas storage formation concerned.
- (5) To avoid doubt, 2 or more identified greenhouse gas storage formations may be specified in a greenhouse gas injection licence as mentioned in paragraph (3)(c).
- (6) If 2 or more identified greenhouse gas storage formations are specified in a greenhouse gas injection licence, different matters may be specified in the licence as mentioned in paragraphs (3)(d) to (j) for different identified greenhouse gas storage formations.
- (7) For the purposes of paragraph (3)(f), disregard any incidental greenhouse gas-related substances in determining the origin of a greenhouse gas substance.
- (8) If a greenhouse gas injection licence is granted under section 372 to the registered holder of a petroleum production licence on the basis that the responsible Commonwealth Minister is satisfied of the matter set out in subparagraph 370(c)(i), the origin or origins specified under paragraph (3)(f) of this section must be situated in the licence area of the petroleum production licence.
- (8A) If a greenhouse gas injection licence is granted under section 372 to the registered holder of a petroleum production licence on the basis that the responsible Commonwealth Minister is satisfied of the matter set out in subparagraph 370(c)(ii), the specified origin or origins of some or all of the greenhouse gas substance must be situated in:
 - (a) the licence area of a petroleum production licence; or
 - (b) the licence areas of petroleum production licences.
- (9) If a greenhouse gas injection licence is tied to a petroleum production licence, the origin or origins specified under paragraph (3)(f) of this section must be situated in the licence area of the petroleum production licence.

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- (10) The condition mentioned in subsection (3) must be specified in the licence.

Securities

- (11) A greenhouse gas injection licence is subject to the condition that, if the licensee is given a notice under section 454, the licensee will comply with the notice.

Access regime

- (12) A greenhouse gas injection licence is subject to the condition that, if:
- (a) regulations are made for the purposes of subsection (13); and
 - (b) those regulations impose requirements on the licensee;
- the licensee will comply with those requirements.
- (13) The regulations may establish a regime for third party access to services provided by means of the use of:
- (a) identified greenhouse gas storage formations; or
 - (b) wells, equipment or structures for use in injecting greenhouse gas substances into identified greenhouse gas storage formations; or
 - (c) equipment or structures for use in the processing, compressing or storing of greenhouse gas substances prior to the injection of the substances into identified greenhouse gas storage formations.

Imposition of additional conditions

- (14) The responsible Commonwealth Minister may, by written notice given to the registered holder of a greenhouse gas injection licence, vary the licence by imposing one or more conditions to which the licence is subject.
- (15) A variation of a greenhouse gas injection licence under subsection (14) takes effect on the day on which notice of the variation is given to the licensee.

- (16) If:
- (a) a greenhouse gas injection licence is subject to a condition;
and
 - (b) the condition was imposed under subsection (14);
- the responsible Commonwealth Minister may, by written notice given to the licensee, vary or revoke the condition.
- (17) A variation of a greenhouse gas injection licence under subsection (16) takes effect on the day on which notice of the variation is given to the licensee.
- (18) Subsection (17) does not limit section 436.

Other provisions

- (19) Despite subsection (2), the conditions mentioned in subsections (11) and (12) do not need to be specified in the licence.
- (20) Subsections (3), (11) and (12) do not limit subsection (1) or (14).

359 Duration of greenhouse gas injection licence

- (1) A greenhouse gas injection licence remains in force indefinitely.
- (2) Subsection (1) has effect subject to this Chapter.

- Note 1: For a special rule about when a greenhouse gas injection licence ceases to be in force following the grant of a greenhouse gas holding lease, see section 334.
- Note 2: For the termination of a greenhouse gas injection licence if there have been no injection operations for 5 years, see section 360.
- Note 3: For the surrender of a greenhouse gas injection licence, see Part 3.10.
- Note 4: For the cancellation of a greenhouse gas injection licence, see Part 3.11.

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360 Termination of greenhouse gas injection licence if no injection operations for 5 years

Scope

- (1) This section applies to a greenhouse gas injection licence if:
- (a) both:
 - (i) a single identified greenhouse gas storage formation is specified in the licence; and
 - (ii) no operations to inject a greenhouse gas substance into the identified greenhouse gas storage formation have been carried on under the licence at any time during a continuous period of at least 5 years; or
 - (b) both:
 - (i) 2 or more identified greenhouse gas storage formations are specified in the licence; and
 - (ii) no operations to inject a greenhouse gas substance into any of those identified greenhouse gas storage formations have been carried on under the licence at any time during a continuous period of at least 5 years.

Termination of licence

- (2) The responsible Commonwealth Minister may, by written notice given to the licensee, tell the licensee that the responsible Commonwealth Minister proposes to terminate the licence after the end of 30 days after the notice is given.
- (3) At any time after the end of 30 days after the notice is given to the licensee, the responsible Commonwealth Minister may, by written notice given to the licensee, terminate the licence.

Note: For remedial directions following termination, see sections 594A and 595.

- (4) In working out, for the purposes of this section, the period in which no operations to inject a greenhouse gas substance into an identified greenhouse gas storage formation were carried on under a greenhouse gas injection licence, disregard:

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- (a) any period in which no such operations were carried on because of circumstances beyond the licensee's control; and
 - (b) any period in which no such operations were carried on because of a suspension under section 383.
- (5) For the purposes of paragraph (4)(a), the failure to obtain a greenhouse gas substance for injection into an identified greenhouse gas storage formation is not a circumstance beyond the licensee's control.

Consultation

- (6) The responsible Commonwealth Minister may give a copy of a notice under subsection (2) to such other persons (if any) as the responsible Commonwealth Minister thinks fit.
- (7) A notice under subsection (2) must:
 - (a) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal to terminate the licence; and
 - (b) specify a time limit for making that submission.
- (8) In deciding whether to terminate the licence, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Division 2—Obtaining a greenhouse gas injection licence

Subdivision A—Application for greenhouse gas injection licence by the holder of a greenhouse gas assessment permit or greenhouse gas holding lease

361 Application for greenhouse gas injection licence by greenhouse gas assessment permittee or greenhouse gas holding lessee

Scope

- (1) This section applies if:
 - (a) a greenhouse gas assessment permit or greenhouse gas holding lease is in force; and
 - (b) one or more identified greenhouse gas storage formations are wholly situated in the permit area or lease area.

Single identified greenhouse gas storage formation

- (2) If a single identified greenhouse gas storage formation extends to:
 - (a) only one block in the permit area or lease area; or
 - (b) 2 or more blocks in the permit area or lease area;the permittee or lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the block or blocks to which the identified greenhouse gas storage formation extends.

Multiple identified greenhouse gas storage formations

- (3) If:
 - (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to only one block in the permit area or lease area; and
 - (b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations;

the permittee or lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the block to which the identified greenhouse gas storage formations extend.

(4) If:

- (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to:
 - (i) only one block in the permit area or lease area; or
 - (ii) 2 or more blocks in the permit area or lease area; and
- (b) a vertical line would pass through a point in each of those identified greenhouse gas storage formations;

the permittee or lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend.

(5) If:

- (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to 2 or more blocks in the permit area or lease area; and
- (b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and
- (c) for each identified greenhouse gas storage formation, at least one of the blocks to which the identified greenhouse gas storage formation extends immediately adjoins a block to which the other, or another, of those identified greenhouse gas storage formations extends;

the permittee or lessee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the blocks to which the identified greenhouse gas storage formations, when considered together, extend.

- (6) For the purposes of subsection (5), a block immediately adjoins another block if the graticular section that constitutes or includes

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that block and the graticular section that constitutes or includes that other block:

- (a) have a side in common; or
- (b) are joined together at one point only.

Limit on application

- (7) If a greenhouse gas holding lease was granted under section 345 (or was granted by way of renewal of such a lease), the lessee is not entitled to make an application under this section unless:
 - (a) the greenhouse gas holding lease is tied to a petroleum production licence; and
 - (b) the lessee is the registered holder of the petroleum production licence.

Application

- (8) An application under this section must set out, for each identified greenhouse gas storage formation, each of the matters which the applicant seeks to have specified in the licence as mentioned in paragraphs 358(3)(d) to (k).
- (9) The matters set out in the application in accordance with subsection (8) must not be inconsistent with the fundamental suitability determinants of the identified greenhouse gas storage formation concerned.
- (10) An application under this section must be accompanied by:
 - (a) a draft site plan for the identified greenhouse gas storage formation or draft site plans for each of the identified greenhouse gas storage formations; and
 - (b) details of the applicant's proposals for work and expenditure in relation to:
 - (i) if there is a single identified greenhouse gas storage formation—the block or blocks, as the case may be, to which the identified greenhouse gas storage formation extends; or

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- (ii) if there are 2 or more identified greenhouse gas storage formations—the block or blocks, as the case may be, to which the identified greenhouse gas storage formations, when considered together, extend; and
- (c) details of:
 - (i) the technical qualifications of the applicant and of the applicant's employees; and
 - (ii) the technical advice available to the applicant; and
 - (iii) the financial resources available to the applicant; and
- (d) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

Variation of application

- (11) At any time before an offer document, or a notice of refusal, relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.
- (12) A variation of an application must be made in the approved manner.
- (13) A variation of an application may be made:
 - (a) on the applicant's own initiative; or
 - (b) at the request of the responsible Commonwealth Minister.
- (14) A variation of an application may set out any additional matters that the applicant wishes to be considered.
- (15) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

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362 Offer document

Application by permittee

- (1) If:
- (a) an application for the grant of a greenhouse gas injection licence has been made under section 361 by a greenhouse gas assessment permittee; and
 - (b) the responsible Commonwealth Minister is satisfied that, if the greenhouse gas injection licence were granted to the applicant, the applicant will, within 5 years after the grant, commence operations to:
 - (i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and
 - (ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and
 - (c) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:
 - (i) an existing post-commencement petroleum exploration permit; or
 - (ii) an existing post-commencement petroleum retention lease (other than a petroleum retention lease granted under section 150); or
 - (iii) a future post-commencement petroleum production licence over the block or any of the blocks to which an existing post-commencement petroleum exploration permit, or an existing post-commencement petroleum retention lease (other than a petroleum retention lease granted under section 150), relates;

the responsible Commonwealth Minister is satisfied that the grant of the greenhouse gas injection licence is in the public interest; and

- (d) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

- (i) an existing pre-commencement petroleum title held by a person other than the applicant; or
- (ii) an existing petroleum production licence held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

- (iii) the registered holder of the pre-commencement petroleum title or the petroleum production licence, as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence; and
 - (iv) to the extent to which the agreement is a dealing to which Part 4.6 applies—the dealing has been approved under section 493 or is reasonably likely to be approved under that section; and
 - (v) to the extent to which the agreement is a dealing to which Part 5.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under section 543; and
- (e) if:
- (i) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future

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pre-commencement petroleum title over a block or blocks; and

- (ii) the existing pre-commencement petroleum title in force over the block or any of the blocks is held by a person other than the applicant;

the responsible Commonwealth Minister is satisfied that:

- (iii) the registered holder of the existing pre-commencement petroleum title has agreed, in writing, to the grant of the greenhouse gas injection licence; and
 - (iv) to the extent to which the agreement is a dealing to which Part 4.6 applies—the dealing has been approved under section 493 or is reasonably likely to be approved under that section; and
 - (v) to the extent to which the agreement is a dealing to which Part 4.6 would apply if the future pre-commencement petroleum title were to come into existence—it is reasonably likely that the dealing would, after the future pre-commencement petroleum title comes into existence, be approved under section 493; and
 - (vi) to the extent to which the agreement is a dealing to which Part 5.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under section 543; and
- (f) if:
- (i) the responsible Commonwealth Minister is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum; and
 - (ii) the block or blocks as to which the responsible Commonwealth Minister is so satisfied are within the licence area of a petroleum production licence, the permit area of a pre-commencement petroleum

exploration permit or the lease area of a pre-commencement petroleum retention lease; and

(iii) the recovery of the petroleum passes the commercial viability test set out in subsection (5);

the responsible Commonwealth Minister is satisfied that there is no significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on operations to recover the petroleum; and

- (g) the responsible Commonwealth Minister is satisfied that:
- (i) the technical qualifications of the applicant and of the applicant's employees; and
 - (ii) the technical advice available to the applicant; and
 - (iii) the financial resources available to the applicant; are adequate; and
- (h) the responsible Commonwealth Minister is satisfied that the draft site plan that accompanied the application satisfies the criteria specified in the regulations;

the responsible Commonwealth Minister must give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas injection licence over the block or blocks specified in the application, on the basis that the matters to be specified in the greenhouse gas injection licence as mentioned in paragraphs 358(3)(d) to (k) will be in accordance with the application.

Application by lessee

- (2) If:
- (a) an application for the grant of a greenhouse gas injection licence has been made under section 361 by a greenhouse gas holding lessee; and
 - (b) the responsible Commonwealth Minister is satisfied that, if the greenhouse gas injection licence were granted to the

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applicant, the applicant will, within 5 years after the grant, commence operations to:

- (i) inject a greenhouse gas substance into the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and
 - (ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation, or at least one of the identified greenhouse gas storage formations, concerned; and
- (c) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:
- (i) an existing post-commencement petroleum exploration permit; or
 - (ii) an existing post-commencement petroleum retention lease (other than a petroleum retention lease granted under section 150); or
 - (iii) a future post-commencement petroleum production licence over the block or any of the blocks to which an existing post-commencement petroleum exploration permit, or an existing post-commencement petroleum retention lease (other than a petroleum retention lease granted under section 150), relates;
- the responsible Commonwealth Minister is satisfied that the grant of the greenhouse gas injection licence is in the public interest; and
- (d) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

- (i) an existing pre-commencement petroleum title held by a person other than the applicant; or
 - (ii) an existing petroleum production licence held by a person other than the applicant;
- the responsible Commonwealth Minister is satisfied that:
- (iii) the registered holder of the pre-commencement petroleum title or the petroleum production licence, as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence; and
 - (iv) to the extent to which the agreement is a dealing to which Part 4.6 applies—the dealing has been approved under section 493 or is reasonably likely to be approved under that section; and
 - (v) to the extent to which the agreement is a dealing to which Part 5.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under section 543; and
- (e) if:
- (i) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre-commencement petroleum title over a block or blocks; and
 - (ii) the existing pre-commencement petroleum title in force over the block or any of the blocks is held by a person other than the applicant;
- the responsible Commonwealth Minister is satisfied that:
- (iii) the registered holder of the existing pre-commencement petroleum title has agreed, in writing, to the grant of the greenhouse gas injection licence; and

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- (iv) to the extent to which the agreement is a dealing to which Part 4.6 applies—the dealing has been approved under section 493 or is reasonably likely to be approved under that section; and
 - (v) to the extent to which the agreement is a dealing to which Part 4.6 would apply if the future pre-commencement petroleum title were to come into existence—it is reasonably likely that the dealing would, after the future pre-commencement petroleum title comes into existence, be approved under section 493; and
 - (vi) to the extent to which the agreement is a dealing to which Part 5.6 would apply if the greenhouse gas injection licence were to come into existence—it is reasonably likely that the dealing would, after the greenhouse gas injection licence comes into existence, be approved under section 543; and
- (f) if:
- (i) the responsible Commonwealth Minister is satisfied that the area comprised in the block, or any one or more of the blocks, specified in the application contains petroleum; and
 - (ii) the block or blocks as to which the responsible Commonwealth Minister is so satisfied are within the licence area of a petroleum production licence, the permit area of a pre-commencement petroleum exploration permit or the lease area of a pre-commencement petroleum retention lease; and
 - (iii) the recovery of the petroleum passes the commercial viability test set out in subsection (5);
- the responsible Commonwealth Minister is satisfied that there is no significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on operations to recover the petroleum; and
- (g) the responsible Commonwealth Minister is satisfied that:

- (i) the technical qualifications of the applicant and of the applicant's employees; and
- (ii) the technical advice available to the applicant; and
- (iii) the financial resources available to the applicant; are adequate; and
- (h) the responsible Commonwealth Minister is satisfied that the draft site plan that accompanied the application satisfies the criteria specified in the regulations;

the responsible Commonwealth Minister must give the applicant a written notice (called an *offer document*) telling the applicant that the responsible Commonwealth Minister is prepared to grant the applicant a greenhouse gas injection licence over the block or blocks specified in the application, on the basis that the matters to be specified in the greenhouse gas injection licence as mentioned in paragraphs 358(3)(d) to (k) will be in accordance with the application.

Public interest

- (3) For the purposes of paragraphs (1)(c) and (2)(c), in considering whether the grant of the greenhouse gas injection licence is in the public interest, the responsible Commonwealth Minister must have regard to:
 - (a) whether the registered holder of the existing post-commencement petroleum exploration permit or existing post-commencement petroleum retention lease, as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence; and
 - (b) if so—the terms of that agreement.
- (4) Subsection (3) does not limit the matters to which the responsible Commonwealth Minister may have regard.

Commercial viability test

- (5) For the purposes of subparagraphs (1)(f)(iii) and (2)(f)(iii), the recovery of petroleum *passes the commercial viability test* if, and only if, the responsible Commonwealth Minister is satisfied that:

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- (a) the recovery is commercially viable; or
- (b) the recovery is not commercially viable, but is likely to become commercially viable within 15 years.

Deferral of decision

- (6) This section has effect subject to section 365.

363 Refusal to grant greenhouse gas injection licence

Scope

- (1) This section applies if:
 - (a) an application for a greenhouse gas injection licence has been made under section 361; and
 - (b) the responsible Commonwealth Minister is not required by section 362 to give the applicant an offer document.

Notice

- (2) The responsible Commonwealth Minister must, by written notice given to the applicant, refuse to grant the applicant a greenhouse gas injection licence.

Deferral of decision

- (3) This section has effect subject to section 365.

364 Grant of greenhouse gas injection licence

If:

- (a) an applicant has been given an offer document under section 362; and
- (b) the applicant has made a request under section 431 in relation to the offer document within the period applicable under that section; and
- (c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has

lodged the security within the period applicable under section 433;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas injection licence over the block or blocks specified in the offer document.

Note 1: If the applicant does not make a request under section 431 within the period applicable under that section, the application lapses at the end of that period—see subsection 431(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

365 Deferral of decision to grant greenhouse gas injection licence—pending application for post-commencement petroleum exploration permit

Scope

- (1) This section applies if:
- (a) an application for the grant of a greenhouse gas injection licence has been made under section 361; and
 - (b) when the application for the greenhouse gas injection licence was made, an application for a post-commencement petroleum exploration permit was being considered by the Joint Authority; and
 - (c) the responsible Commonwealth Minister considers that it would be in the public interest to defer taking any action under section 362 or 363 in relation to the application for the grant of the greenhouse gas injection licence until the application for the post-commencement petroleum exploration permit is finalised.

Deferral

- (2) The responsible Commonwealth Minister must not take any action under section 362 or 363 in relation to the application for the

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greenhouse gas injection licence until 24 hours after whichever of the following events happens first:

- (a) the Joint Authority grants the post-commencement petroleum exploration permit to the applicant for the permit;
- (b) the application for the post-commencement petroleum exploration permit lapses;
- (c) the Joint Authority refuses to grant the post-commencement petroleum exploration permit to the applicant for the permit.

366 Greenhouse gas assessment permit or greenhouse gas holding lease ceases to be in force when greenhouse gas injection licence comes into force

When a greenhouse gas injection licence under section 364 comes into force in relation to one or more blocks, a greenhouse gas assessment permit or greenhouse gas holding lease ceases to be in force to the extent to which it relates to those blocks.

367 Greenhouse gas assessment permit transfer—transferee to be treated as applicant

Scope

- (1) This section applies if a transfer of a greenhouse gas assessment permit is registered under section 530:
 - (a) after an application has been made under section 361 for the grant of a greenhouse gas injection licence over a block or blocks in relation to which the greenhouse gas assessment permit is in force; and
 - (b) before any action has been taken by the responsible Commonwealth Minister under section 362 or 363 in relation to the application.

Transferee to be treated as applicant

- (2) After the transfer, sections 361 to 364 and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

368 Greenhouse gas holding lease transfer—transferee to be treated as applicant

Scope

- (1) This section applies if a transfer of a greenhouse gas holding lease is registered under section 530:
- (a) after an application has been made under section 361 for the grant of a greenhouse gas injection licence over a block or blocks in relation to which the greenhouse gas holding lease is in force; and
 - (b) before any action has been taken by the responsible Commonwealth Minister under section 362 or 363 in relation to the application.

Transferee to be treated as applicant

- (2) After the transfer, sections 361 to 364 and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Subdivision B—Application for greenhouse gas injection licence by the holder of a petroleum production licence

369 Application for greenhouse gas injection licence by the holder of a petroleum production licence

Scope

- (1) This section applies if:
- (a) a petroleum production licence is in force; and

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- (b) one or more identified greenhouse gas storage formations are wholly situated in the licence area.

Single identified greenhouse gas storage formation

- (2) If:
 - (a) a single identified greenhouse gas storage formation extends to:
 - (i) only one block in the licence area; or
 - (ii) 2 or more blocks in the licence area; and
 - (b) none of the following is in force over the block or blocks to which the identified greenhouse gas storage formation extends:
 - (i) a greenhouse gas injection licence;
 - (ii) a greenhouse gas holding lease;
 - (iii) a greenhouse gas assessment permit;
- the petroleum production licensee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the block or blocks to which the identified greenhouse gas storage formation extends.

Multiple identified greenhouse gas storage formations

- (3) If:
 - (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to only one block in the licence area; and
 - (b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and
 - (c) none of the following is in force over the block to which the identified greenhouse gas storage formations, when considered together, extend:
 - (i) a greenhouse gas injection licence;
 - (ii) a greenhouse gas holding lease;
 - (iii) a greenhouse gas assessment permit;

the petroleum production licensee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the block to which the identified greenhouse gas storage formations, when considered together, extend.

(4) If:

- (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to:
 - (i) only one block in the licence area; or
 - (ii) 2 or more blocks in the licence area; and
- (b) a vertical line would pass through a point in each of those identified greenhouse gas storage formations; and
- (c) none of the following is in force over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend:
 - (i) a greenhouse gas injection licence;
 - (ii) a greenhouse gas holding lease;
 - (iii) a greenhouse gas assessment permit;

the petroleum production licensee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the block or blocks to which the identified greenhouse gas storage formations, when considered together, extend.

(5) If:

- (a) 2 or more identified greenhouse gas storage formations, when considered together, extend to 2 or more blocks in the licence area; and
- (b) a vertical line would not pass through a point in each of those identified greenhouse gas storage formations; and
- (c) for each identified greenhouse gas storage formation, at least one of the blocks to which the identified greenhouse gas storage formation extends immediately adjoins a block to which the other, or another, of those identified greenhouse gas storage formations extends; and

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- (d) none of the following is in force over the blocks to which the identified greenhouse gas storage formations, when considered together, extend:
 - (i) a greenhouse gas injection licence;
 - (ii) a greenhouse gas holding lease;
 - (iii) a greenhouse gas assessment permit;the petroleum production licensee may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas injection licence over the blocks to which the identified greenhouse gas storage formations, when considered together, extend.
- (6) For the purposes of subsection (5), a block immediately adjoins another block if the graticular section that constitutes or includes that block and the graticular section that constitutes or includes that other block:
 - (a) have a side in common; or
 - (b) are joined together at one point only.

Application

- (7) An application under this section must set out, for each identified greenhouse gas storage formation, each of the matters which the applicant seeks to have specified in the licence as mentioned in paragraphs 358(3)(d) to (k).
- (8) The matters set out in the application in accordance with subsection (7) must not be inconsistent with the fundamental suitability determinants of the identified greenhouse gas storage formation concerned.
- (9) An application under this section must be accompanied by:
 - (a) a draft site plan for the identified greenhouse gas storage formation or draft site plans for each of the identified greenhouse gas storage formations; and
 - (b) details of the applicant's proposals for work and expenditure in relation to:

- (i) if there is a single identified greenhouse gas storage formation—the block or blocks, as the case may be, to which the identified greenhouse gas storage formation extends; or
- (ii) if there are 2 or more identified greenhouse gas storage formations—the block or blocks, as the case may be, to which the identified greenhouse gas storage formations, when considered together, extend; and
- (c) details of:
 - (i) the technical qualifications of the applicant and of the applicant's employees; and
 - (ii) the technical advice available to the applicant; and
 - (iii) the financial resources available to the applicant; and
- (d) such other information (if any) as is specified in the regulations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

Variation of application

- (10) At any time before an offer document, or a notice of refusal, relating to the application is given to the applicant, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.
- (11) A variation of an application must be made in the approved manner.
- (12) A variation of an application may be made:
 - (a) on the applicant's own initiative; or
 - (b) at the request of the responsible Commonwealth Minister.
- (13) A variation of an application may set out any additional matters that the applicant wishes to be considered.

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- (14) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

370 Grant of greenhouse gas injection licence—offer document

If:

- (a) an application for a greenhouse gas injection licence has been made under section 369 by the registered holder of a petroleum production licence; and
- (b) the responsible Commonwealth Minister is satisfied that, if the greenhouse gas injection licence were granted to the applicant, the applicant will, within 5 years after the grant, commence operations to:
 - (i) inject a greenhouse gas substance into the identified greenhouse gas storage formation or formations concerned; and
 - (ii) permanently store the greenhouse gas substance in the identified greenhouse gas storage formation or formations concerned; and
- (c) either:
 - (i) the responsible Commonwealth Minister is satisfied that all of the greenhouse gas substance injected into the identified greenhouse gas storage formation or formations concerned will be obtained as a by-product of petroleum recovery operations carried on under the petroleum production licence; or
 - (ii) the responsible Commonwealth Minister is satisfied that some or all of the greenhouse gas substance injected into the identified greenhouse gas storage formation or formations concerned will be obtained as a by-product of petroleum recovery operations carried on under any petroleum production licence, and that the grant of the greenhouse gas injection licence is in the public interest; and
- (d) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will

have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under:

- (i) an existing post-commencement petroleum exploration permit; or
- (ii) an existing post-commencement petroleum retention lease (other than a petroleum retention lease granted under section 150); or
- (iii) a future post-commencement petroleum production licence over the block or any of the blocks to which an existing post-commencement petroleum exploration permit, or an existing post-commencement petroleum retention lease (other than a petroleum retention lease granted under section 150), relates;

the responsible Commonwealth Minister is satisfied that:

- (iv) the grant of the greenhouse gas injection licence is in the public interest; or
 - (v) the registered holder of the petroleum exploration permit or petroleum retention lease, as the case may be, has agreed, in writing, to the grant of the greenhouse gas injection licence to the applicant; and
- (e) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on petroleum exploration operations, or petroleum recovery operations, that are being, or could be, carried on under an existing pre-commencement petroleum title—the responsible Commonwealth Minister is satisfied that the registered holder of the pre-commencement petroleum title has agreed, in writing, to the grant of the greenhouse gas injection licence to the applicant; and
- (f) if:
- (i) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on

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petroleum exploration operations, or petroleum recovery operations, that could be carried on under a future pre-commencement petroleum title over a block or blocks; and

- (ii) a petroleum exploration permit, petroleum retention lease or petroleum production licence is in force over the block or any of the blocks;

the responsible Commonwealth Minister is satisfied that the registered holder of the petroleum exploration permit, petroleum retention lease or petroleum production licence covered by subparagraph (ii) has agreed, in writing, to the grant of the greenhouse gas injection licence; and

- (g) if the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that could be carried on under the greenhouse gas injection licence will have a significant adverse impact on:

- (i) petroleum explorations operations; or

- (ii) petroleum recovery operations;

that are being, or could be, carried on under an existing petroleum production licence held by a person other than the applicant—the responsible Commonwealth Minister is satisfied that the registered holder of the petroleum production licence has agreed, in writing, to the grant of the greenhouse gas injection licence to the applicant; and

- (h) the responsible Commonwealth Minister is satisfied that:

- (i) the technical qualifications of the applicant and of the applicant's employees; and

- (ii) the technical advice available to the applicant; and

- (iii) the financial resources available to the applicant; are adequate; and

- (i) the responsible Commonwealth Minister is satisfied that the draft site plan that accompanied the application satisfies the criteria specified in the regulations;

the responsible Commonwealth Minister may give the applicant a written notice (called an ***offer document***) telling the applicant that the responsible Commonwealth Minister is prepared to grant the

applicant a greenhouse gas injection licence over the block or blocks specified in the application, on the basis that the matters to be specified in the greenhouse gas injection licence as mentioned in paragraphs 358(3)(d) to (k) will be in accordance with the application.

371 Refusal to grant greenhouse gas injection licence

Scope

- (1) This section applies if:
- (a) an application for a greenhouse gas injection licence has been made under section 369; and
 - (b) the responsible Commonwealth Minister refuses to give the applicant an offer document.

Notice

- (2) The responsible Commonwealth Minister must, by written notice given to the applicant, refuse to grant the applicant a greenhouse gas injection licence.

372 Grant of greenhouse gas injection licence

If:

- (a) an applicant has been given an offer document under section 370; and
- (b) the applicant has made a request under section 431 in relation to the offer document within the period applicable under that section; and
- (c) if the offer document specified the form and amount of a security to be lodged by the applicant—the applicant has lodged the security within the period applicable under section 433;

the responsible Commonwealth Minister must grant the applicant a greenhouse gas injection licence over the block or blocks specified in the offer document.

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Part 3.4 Greenhouse gas injection licences

Division 2 Obtaining a greenhouse gas injection licence

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Note 1: If the applicant does not make a request under section 431 within the period applicable under that section, the application lapses at the end of that period—see subsection 431(4).

Note 2: If the applicant has not lodged the security within the period applicable under section 433, the application lapses at the end of that period—see section 433.

373 Petroleum production licence transferred—transferee to be treated as applicant

Scope

- (1) This section applies if a transfer of a petroleum production licence is registered under section 479:
 - (a) after an application has been made under section 369 for the grant of a greenhouse gas injection licence over a block or blocks in relation to which the petroleum production licence is in force; and
 - (b) before any action has been taken by the responsible Commonwealth Minister under section 370 or 371 in relation to the application.

Transferee to be treated as applicant

- (2) After the transfer, sections 369 to 372 and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

Division 3—Variations

374 Variation of matters specified in greenhouse gas injection licence—general

Application

- (1) A greenhouse gas injection licensee may apply to the responsible Commonwealth Minister for the variation by the responsible Commonwealth Minister of a matter specified in the licence as mentioned in any of paragraphs 358(3)(c) to (k).

Note 1: Consultation procedures apply—see section 434.

Note 2: Part 3.8 contains additional provisions about application procedures.

Note 3: Section 427 requires the application to be accompanied by an application fee.

Note 4: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

- (2) An application under subsection (1) must:
- (a) set out the proposed variation; and
 - (b) specify the reasons for the proposed variation.

Variation

- (3) If an application is made under subsection (1), the responsible Commonwealth Minister may, by written notice given to the licensee:
- (a) vary the matter in accordance with the application; or
 - (b) refuse to vary the matter in accordance with the application.
- (4) If a matter specified in the licence as mentioned in any of paragraphs 358(3)(c) to (k) is varied under this section, the varied matter must not be inconsistent with the fundamental suitability determinants of the identified greenhouse gas storage formation concerned.

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(4A) If:

- (a) the licence was granted under section 372 to the registered holder of a petroleum production licence on the basis that the responsible Commonwealth Minister was satisfied of the matter set out in subparagraph 370(c)(i); and
- (b) the responsible Commonwealth Minister is satisfied that it is in the public interest to do so;

the responsible Commonwealth Minister may exercise the power of variation conferred by subsection (3) as if the licence had been granted on the basis that the responsible Commonwealth Minister had been satisfied of the matter set out in subparagraph 370(c)(ii).

- (5) A variation of a matter under this section takes effect on the day on which notice of the variation is published in the *Gazette*.

Note: For publication in the *Gazette* of notice of the variation, see section 734.

375 Variation of matters specified in greenhouse gas injection licence—declaration of identified greenhouse gas storage formation varied

Scope

- (1) This section applies in relation to a greenhouse gas injection licence if:
 - (a) a declaration is in force under section 312 in relation to an identified greenhouse gas storage formation that is wholly situated in the licence area; and
 - (b) the declaration is varied under section 313; and
 - (c) apart from this section, a matter specified in the declaration would be inconsistent with a matter specified in the licence as mentioned in any of paragraphs 358(3)(c) to (k).

Variation of a matter specified in the licence

- (2) The responsible Commonwealth Minister must, by written notice given to the licensee, vary the matter specified in the licence as

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mentioned in any of paragraphs 358(3)(c) to (k) for the purposes of removing that inconsistency.

- (3) A variation of a matter under this section takes effect on the day on which notice of the variation is published in the *Gazette*.

Note: For publication in the *Gazette* of notice of the variation, see section 734.

Division 4—Directions

376 Responsible Commonwealth Minister may give greenhouse gas injection licensee directions to protect geological formations containing petroleum pools etc.

- (1) The responsible Commonwealth Minister may, by written notice given to a greenhouse gas injection licensee, give the licensee a direction for the purpose of:
 - (a) eliminating; or
 - (b) mitigating; or
 - (c) managing;
the risk that operations carried out under the licence could:
 - (d) have a significant adverse impact on a geological formation, or a part of a geological formation, that contains, or is likely to contain, a petroleum pool; or
 - (e) otherwise compromise the exploitation of any petroleum that occurs as a natural resource.
- (2) A direction under this section may require the licensee to do something:
 - (a) in the licence area; or
 - (b) in an offshore area but outside the licence area.
- (3) A direction under this section has effect, and must be complied with, despite:
 - (a) any previous direction under this section; and
 - (b) anything in the regulations (other than prescribed regulations, or a prescribed provision of regulations, made under this Act) or the applied provisions.
- (4) A direction under this section prevails over:
 - (a) anything in an approved site plan for an identified greenhouse gas storage formation specified in the licence; or

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- (b) anything specified in the licence as mentioned in any of paragraphs 358(3)(c) to (k);
to the extent of any inconsistency.
- (5) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.
- (6) To avoid doubt, subsection (5) applies to an instrument, whether issued or made in Australia or outside Australia.
- (7) A direction under this section may prohibit the doing of an act or thing:
- (a) unconditionally; or
 - (b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.
- (8) A direction under this section is not a legislative instrument.
- (9) If:
- (a) a direction under this section is in force in relation to a greenhouse gas injection licence; and
 - (b) apart from subsection (4), the direction would be inconsistent with a matter specified in the licence as mentioned in any of paragraphs 358(3)(c) to (k);
- the responsible Commonwealth Minister may, by written notice given to the licensee, vary the matter for the purposes of removing that inconsistency.
- (10) A variation of a matter under subsection (9) takes effect on the day on which notice of the variation is published in the *Gazette*.
- Note: For publication in the *Gazette* of notice of the variation, see section 734.
- (11) The regulations may provide that, if:
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- (a) a direction under this section is in force in relation to a greenhouse gas injection licence; and
 - (b) apart from subsection (4), the direction would be inconsistent with anything in an approved site plan for an identified greenhouse gas storage formation specified in the licence;
- then:
- (c) the licensee must, within the period ascertained in accordance with the regulations:
 - (i) prepare a draft variation of the approved site plan for the purposes of removing that inconsistency; and
 - (ii) give the draft variation to the responsible Commonwealth Minister; and
 - (d) the responsible Commonwealth Minister must, by written notice given to the licensee:
 - (i) approve the variation; or
 - (ii) refuse to approve the variation; and
 - (e) if the responsible Commonwealth Minister approves the variation—the approved site plan is varied accordingly.
- (12) If an approved site plan is varied, a reference in this Act to the approved site plan is a reference to the approved site plan as varied.

377 Consultation—directions to do something outside the licence area

Scope

- (1) This section applies if:
- (a) the responsible Commonwealth Minister proposes to give a direction under section 376 to a greenhouse gas injection licensee; and
 - (b) the direction requires the licensee to do something in an area (the ***action area***) in an offshore area but outside the licence area; and
 - (c) the action area is, to any extent, the subject of:

- (i) a greenhouse gas assessment permit; or
- (ii) a greenhouse gas holding lease; or
- (iii) a greenhouse gas injection licence; or
- (iv) a greenhouse gas search authority; or
- (v) a petroleum exploration permit; or
- (vi) a petroleum retention lease; or
- (vii) a petroleum production licence; or
- (viii) a petroleum special prospecting authority; and
- (d) the licensee mentioned in paragraph (a) is not the registered holder of the permit, lease, licence or authority mentioned in paragraph (c); and
- (e) the registered holder of the permit, lease, licence or authority mentioned in paragraph (c) has not given written consent to the giving of the direction.

Consultation

- (2) Before giving the direction, the responsible Commonwealth Minister must:
 - (a) by written notice given to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c), give at least 30 days notice of the responsible Commonwealth Minister's intention to give the direction; and
 - (b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.
- (3) The notice must:
 - (a) set out details of the direction that is proposed to be given; and
 - (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and
 - (c) specify a time limit for making that submission.

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- (4) In deciding whether to give the direction, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Emergencies

- (5) However, if the responsible Commonwealth Minister is satisfied that the direction is required to deal with an emergency:
- (a) subsections (2), (3) and (4) do not apply to the direction; and
 - (b) as soon as practicable after the direction is given, the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c).

378 Compliance with directions

- (1) A person commits an offence if:
- (a) the person is given a direction under section 376; and
 - (b) the person engages in conduct; and
 - (c) the person's conduct breaches the direction.

Penalty: 100 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Division 5—Dealing with serious situations

379 Serious situation

- (1) For the purposes of this Act, a *serious situation* exists in relation to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence if:
- (a) a greenhouse gas substance injected into the identified greenhouse gas storage formation:
 - (i) has leaked; or
 - (ii) is leaking;from the identified greenhouse gas storage formation; or
 - (b) there is a significant risk that a greenhouse gas substance injected into the identified greenhouse gas storage formation will leak from the identified greenhouse gas storage formation; or
 - (c) a greenhouse gas substance:
 - (i) has leaked; or
 - (ii) is leaking;in the course of being injected into the identified greenhouse gas storage formation; or
 - (d) there is a significant risk that a greenhouse gas substance will leak in the course of being injected into the identified greenhouse gas storage formation; or
 - (e) a greenhouse gas substance injected into the identified greenhouse gas storage formation:
 - (i) has behaved; or
 - (ii) is behaving;otherwise than as predicted in Part A of the approved site plan for the identified greenhouse gas storage formation; or
 - (f) there is a significant risk that a greenhouse gas substance injected into the identified greenhouse gas storage formation will behave otherwise than as predicted in Part A of the

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approved site plan for the identified greenhouse gas storage formation; or

(g) either:

(i) the injection of a greenhouse gas substance into the identified greenhouse gas storage formation; or

(ii) the storage of a greenhouse gas substance in the identified greenhouse gas storage formation;

has had, or is having, a significant adverse impact on the geotechnical integrity of the whole or a part of a geological formation or geological structure; or

(h) there is a significant risk that:

(i) the injection of a greenhouse gas substance into the identified greenhouse gas storage formation; or

(ii) the storage of a greenhouse gas substance in an identified greenhouse gas storage formation;

will have a significant adverse impact on the geotechnical integrity of the whole or a part of a geological formation or geological structure; or

(i) the identified greenhouse gas storage formation is not suitable (with or without engineering enhancements) for the permanent storage of the relevant amount of the relevant greenhouse gas substance injected at the relevant point or points over the relevant period.

(2) For the purposes of paragraph (1)(i):

(a) the **relevant amount** is the total amount of greenhouse gas substance authorised to be injected into the identified greenhouse gas storage formation under the licence; and

(b) the **relevant greenhouse gas substance** is the kind of greenhouse gas substance that is authorised to be injected into the identified greenhouse gas storage formation under the licence; and

(c) the **relevant point or points** is the potential greenhouse gas injection site or sites at which the greenhouse gas substance is authorised to be injected into the identified greenhouse gas storage formation under the licence; and

- (d) the *relevant period* is the period during which the greenhouse gas substance is authorised to be injected into the identified greenhouse gas storage formation under the licence.

Note: See subsection 358(3).

380 Powers of responsible Commonwealth Minister to deal with serious situations

- (1) If the responsible Commonwealth Minister is satisfied that a serious situation exists in relation to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, the responsible Commonwealth Minister may, by written notice given to the licensee, direct the licensee:
- (a) to take all reasonable steps to ensure that operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation are carried on in a manner specified in the direction; or
 - (b) to take all reasonable steps to ensure that operations for the storage of a greenhouse gas substance in the identified greenhouse gas storage formation are carried on in a manner specified in the direction; or
 - (c) to cease or suspend the injection of a greenhouse gas substance at a site or sites specified in the direction; or
 - (d) to inject a greenhouse gas substance into the identified greenhouse gas storage formation at a site or sites specified in the direction; or
 - (e) to cease or suspend operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation; or
 - (f) to undertake such activities as are specified in the direction for the purpose of:
 - (i) eliminating; or
 - (ii) mitigating; or
 - (iii) managing; or
 - (iv) remediating;the serious situation; or

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- (g) to take such action as is specified in the direction; or
 - (h) not to take such action as is specified in the direction.
- (2) A direction under this section may require the licensee to do something:
 - (a) in the licence area; or
 - (b) in an offshore area but outside the licence area.
- (3) Paragraphs (1)(a) to (f) do not limit paragraph (1)(g).
- (4) Paragraphs (1)(a) to (f) do not limit paragraph (1)(h).
- (5) A direction under this section has effect, and must be complied with, despite:
 - (a) any previous direction under this section; and
 - (b) anything in the regulations or the applied provisions.
- (6) A direction under this section prevails over:
 - (a) anything in an approved site plan for the identified greenhouse gas storage formation; or
 - (b) anything specified in the licence as mentioned in any of paragraphs 358(3)(c) to (k);to the extent of any inconsistency.
- (7) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.
- (8) To avoid doubt, subsection (7) applies to an instrument, whether issued or made in Australia or outside Australia.
- (9) A direction under this section may prohibit the doing of an act or thing:
 - (a) unconditionally; or

- (b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.
 - (10) A direction under this section is not a legislative instrument.
 - (11) If:
 - (a) a direction under this section is in force in relation to a greenhouse gas injection licence; and
 - (b) apart from subsection (6), the direction would be inconsistent with a matter specified in the licence as mentioned in any of paragraphs 358(3)(c) to (k);the responsible Commonwealth Minister may, by written notice given to the licensee, vary the matter for the purposes of removing that inconsistency.
 - (12) A variation of a matter under subsection (11) takes effect on the day on which notice of the variation is published in the *Gazette*.

Note: For publication in the *Gazette* of notice of the variation, see section 734.
 - (13) The regulations may provide that, if:
 - (a) a direction under this section is in force in relation to a greenhouse gas injection licence; and
 - (b) apart from subsection (6), the direction would be inconsistent with anything in an approved site plan for the identified greenhouse gas storage formation;then:
 - (c) the licensee must, within the period ascertained in accordance with the regulations:
 - (i) prepare a draft variation of the approved site plan for the purposes of removing that inconsistency; and
 - (ii) give the draft variation to the responsible Commonwealth Minister; and
 - (d) the responsible Commonwealth Minister must, by written notice given to the licensee:
 - (i) approve the variation; or
 - (ii) refuse to approve the variation; and
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- (e) if the responsible Commonwealth Minister approves the variation—the approved site plan is varied accordingly.
- (14) If an approved site plan is varied, a reference in this Act to the approved site plan is a reference to the approved site plan as varied.

381 Consultation—directions to do something outside the licence area

Scope

- (1) This section applies if:
 - (a) the responsible Commonwealth Minister proposes to give a direction under section 380 to a greenhouse gas injection licensee; and
 - (b) the direction requires the licensee to do something in an area (the ***action area***) in an offshore area but outside the licence area; and
 - (c) the action area is, to any extent, the subject of:
 - (i) a greenhouse gas assessment permit; or
 - (ii) a greenhouse gas holding lease; or
 - (iii) a greenhouse gas injection licence; or
 - (iv) a greenhouse gas search authority; or
 - (v) a petroleum exploration permit; or
 - (vi) a petroleum retention lease; or
 - (vii) a petroleum production licence; or
 - (viii) a petroleum special prospecting authority; and
 - (d) the licensee mentioned in paragraph (a) is not the registered holder of the permit, lease, licence or authority mentioned in paragraph (c); and
 - (e) the registered holder of the permit, lease, licence or authority mentioned in paragraph (c) has not given written consent to the giving of the direction.

Consultation

- (2) Before giving the direction, the responsible Commonwealth Minister must:
- (a) by written notice given to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c), give at least 30 days notice of the responsible Commonwealth Minister's intention to give the direction; and
 - (b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.
- (3) The notice must:
- (a) set out details of the direction that is proposed to be given; and
 - (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and
 - (c) specify a time limit for making that submission.
- (4) In deciding whether to give the direction, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Emergencies

- (5) However, if the responsible Commonwealth Minister is satisfied that the direction is required to deal with an emergency:
- (a) subsections (2), (3) and (4) do not apply to the direction; and
 - (b) as soon as practicable after the direction is given, the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c).

382 Compliance with directions

- (1) A person commits an offence if:
- (a) the person is given a direction under section 380; and

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- (b) the person engages in conduct; and
- (c) the person's conduct breaches the direction.

Penalty: 100 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Division 6—Protection of petroleum discovered in the title area of a pre-commencement petroleum title

383 Powers of responsible Commonwealth Minister to protect petroleum discovered in the title area of a pre-commencement petroleum title

Elimination of risk

- (1) If:
- (a) the licence area of a greenhouse gas injection licence overlaps, in whole or in part:
 - (i) the permit area of a pre-commencement petroleum exploration permit held by a person other than the registered holder of the greenhouse gas injection licence; or
 - (ii) the lease area of a pre-commencement petroleum retention lease held by a person other than the registered holder of the greenhouse gas injection licence; or
 - (iii) the licence area of a pre-commencement petroleum production licence held by a person other than the registered holder of the greenhouse gas injection licence; and
 - (b) petroleum is discovered in the area of overlap; and
 - (c) the responsible Commonwealth Minister is satisfied that:
 - (i) the recovery of the petroleum is commercially viable; or
 - (ii) the recovery of the petroleum is not commercially viable, but is likely to become commercially viable at some time in the future; and
 - (d) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that are being, or could be, carried on under the greenhouse gas injection licence will have a significant adverse impact on:
 - (i) operations to recover the petroleum; or

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- (ii) the commercial viability of the recovery of the petroleum; and
 - (e) the registered holder of the petroleum exploration permit, petroleum retention lease or petroleum production licence, as the case may be, has not agreed, in writing, to the registered holder of the greenhouse gas injection licence carrying on those operations; and
 - (f) the responsible Commonwealth Minister is satisfied that it is practicable to eliminate the risk that any of the operations that are being, or could be, carried on under the greenhouse gas injection licence will have a significant adverse impact on:
 - (i) operations to recover the petroleum; or
 - (ii) the commercial viability of the recovery of the petroleum;
- the responsible Commonwealth Minister must, by written notice given to the registered holder of the greenhouse gas injection licence:
- (g) give the registered holder of the greenhouse gas injection licence a direction for the purpose of eliminating the risk that operations that are being, or could be, carried on under the greenhouse gas injection licence could have a significant adverse impact on:
 - (i) operations to recover the petroleum; or
 - (ii) the commercial viability of the recovery of the petroleum; or
 - (h) suspend, either:
 - (i) for a specified period; or
 - (ii) indefinitely;any or all of the rights conferred by the greenhouse gas injection licence; or
 - (i) cancel the greenhouse gas injection licence.
- (2) A direction under paragraph (1)(g) may require the licensee to do something:

- (a) in the licence area; or
- (b) in an offshore area but outside the licence area.

Mitigation, management or remediation of risk

- (3) If:
- (a) the licence area of a greenhouse gas injection licence overlaps, in whole or in part:
 - (i) the permit area of a pre-commencement petroleum exploration permit held by a person other than the registered holder of the greenhouse gas injection licence; or
 - (ii) the lease area of a pre-commencement petroleum retention lease held by a person other than the registered holder of the greenhouse gas injection licence; or
 - (iii) the licence area of a pre-commencement petroleum production licence held by a person other than the registered holder of the greenhouse gas injection licence; and
 - (b) petroleum is discovered in the area of overlap; and
 - (c) the responsible Commonwealth Minister is satisfied that:
 - (i) the recovery of the petroleum is commercially viable; or
 - (ii) the recovery of the petroleum is not commercially viable, but is likely to become commercially viable at some time in the future; and
 - (d) the responsible Commonwealth Minister is satisfied that there is a significant risk that any of the operations that are being, or could be, carried on under the greenhouse gas injection licence will have a significant adverse impact on:
 - (i) operations to recover the petroleum; or
 - (ii) the commercial viability of the recovery of the petroleum; and
 - (e) the registered holder of the petroleum exploration permit, petroleum retention lease or petroleum production licence, as the case may be, has not agreed, in writing, to the registered

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holder of the greenhouse gas injection licence carrying on those operations; and

- (f) the responsible Commonwealth Minister is satisfied that it is not practicable to eliminate the risk that any of the operations that are being, or could be, carried on under the greenhouse gas injection licence will have a significant adverse impact on:
 - (i) operations to recover the petroleum; or
 - (ii) the commercial viability of the recovery of the petroleum;

the responsible Commonwealth Minister must, by written notice given to the registered holder of the greenhouse gas injection licence:

- (g) give the registered holder of the greenhouse gas injection licence a direction for the purpose of mitigating, managing or remediating the risk that operations that are being, or could be, carried on under the greenhouse gas injection licence could have a significant adverse impact on:
 - (i) operations to recover the petroleum; or
 - (ii) the commercial viability of the recovery of the petroleum; or
 - (h) suspend, either:
 - (i) for a specified period; or
 - (ii) indefinitely;any or all of the rights conferred by the greenhouse gas injection licence; or
 - (i) cancel the greenhouse gas injection licence.
- (4) A direction under paragraph (3)(g) may require the licensee to take action:
- (a) in the licence area; or
 - (b) in an offshore area but outside the licence area.

Other provisions

- (5) A direction under this section has effect, and must be complied with, despite:
 - (a) any previous direction under this section; and
 - (b) anything in the regulations or the applied provisions.
- (6) A direction under this section prevails over:
 - (a) anything in an approved site plan for an identified greenhouse gas storage formation specified in the greenhouse gas injection licence; or
 - (b) anything specified in the greenhouse gas injection licence as mentioned in any of paragraphs 358(3)(c) to (k);to the extent of any inconsistency.
- (7) A direction under this section may make provision in relation to a matter by applying, adopting or incorporating (with or without modification) a code of practice or standard contained in an instrument as in force or existing at the time when the direction takes effect, so long as the code of practice or standard is relevant to that matter.
- (8) To avoid doubt, subsection (7) applies to an instrument, whether issued or made in Australia or outside Australia.
- (9) A direction under this section may prohibit the doing of an act or thing:
 - (a) unconditionally; or
 - (b) subject to conditions, including conditions requiring the consent or approval of a person specified in the direction.
- (10) A direction under this section is not a legislative instrument.
- (11) If:
 - (a) a direction under this section is in force in relation to a greenhouse gas injection licence; and

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- (b) apart from subsection (6), the direction would be inconsistent with a matter specified in the licence as mentioned in any of paragraphs 358(3)(c) to (k);
the responsible Commonwealth Minister may, by written notice given to the licensee, vary the matter for the purposes of removing that inconsistency.
- (12) A variation of a matter under subsection (11) takes effect on the day on which notice of the variation is published in the *Gazette*.

Note: For publication in the *Gazette* of notice of the variation, see section 734.
- (13) The regulations may provide that, if:
 - (a) a direction under this section is in force in relation to a greenhouse gas injection licence; and
 - (b) apart from subsection (6), the direction would be inconsistent with anything in an approved site plan for an identified greenhouse gas storage formation specified in the licence;then:
 - (c) the licensee must, within the period ascertained in accordance with the regulations:
 - (i) prepare a draft variation of the approved site plan for the purposes of removing that inconsistency; and
 - (ii) give the draft variation to the responsible Commonwealth Minister; and
 - (d) the responsible Commonwealth Minister must, by written notice given to the licensee:
 - (i) approve the variation; or
 - (ii) refuse to approve the variation; and
 - (e) if the responsible Commonwealth Minister approves the variation—the approved site plan is varied accordingly.
- (14) If an approved site plan is varied, a reference in this Act to the approved site plan is a reference to the approved site plan as varied.

384 Consultation—directions to do something outside the licence area

Scope

- (1) This section applies if:
- (a) the responsible Commonwealth Minister proposes to give a direction under section 383 to a greenhouse gas injection licensee; and
 - (b) the direction requires the licensee to do something in an area (the **action area**) in an offshore area but outside the licence area; and
 - (c) the action area is, to any extent, the subject of:
 - (i) a greenhouse gas assessment permit; or
 - (ii) a greenhouse gas holding lease; or
 - (iii) a greenhouse gas injection licence; or
 - (iv) a greenhouse gas search authority; or
 - (v) a petroleum exploration permit; or
 - (vi) a petroleum retention lease; or
 - (vii) a petroleum production licence; or
 - (viii) a petroleum special prospecting authority; and
 - (d) the licensee mentioned in paragraph (a) is not the registered holder of the permit, lease, licence or authority mentioned in paragraph (c); and
 - (e) the registered holder of the permit, lease, licence or authority mentioned in paragraph (c) has not given written consent to the giving of the direction.

Consultation

- (2) Before giving the direction, the responsible Commonwealth Minister must:
- (a) by written notice given to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c), give at least 30 days notice of the responsible

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Part 3.4 Greenhouse gas injection licences

Division 6 Protection of petroleum discovered in the title area of a pre-commencement petroleum title

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- Commonwealth Minister's intention to give the direction;
and
- (b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.
- (3) The notice must:
- (a) set out details of the direction that is proposed to be given;
and
- (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and
- (c) specify a time limit for making that submission.
- (4) In deciding whether to give the direction, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Emergencies

- (5) However, if the responsible Commonwealth Minister is satisfied that the direction is required to deal with an emergency:
- (a) subsections (2), (3) and (4) do not apply to the direction; and
- (b) as soon as practicable after the direction is given, the responsible Commonwealth Minister must give a copy of the direction to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(c).

385 Compliance with directions

- (1) A person commits an offence if:
- (a) the person is given a direction under section 383; and
- (b) the person engages in conduct; and
- (c) the person's conduct breaches the direction.

Penalty: 100 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.
-

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Greenhouse gas injection licences **Part 3.4**

Protection of petroleum discovered in the title area of a pre-commencement petroleum

title **Division 6**

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Note: For strict liability, see section 6.1 of the *Criminal Code*.

Division 7—Site closing certificates

386 Application for site closing certificate

- (1) A greenhouse gas injection licensee may apply to the responsible Commonwealth Minister for a site closing certificate in relation to a particular identified greenhouse gas storage formation specified in the licence.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

Note 3: Section 429 enables the responsible Commonwealth Minister to require the applicant to give further information.

- (2) An application under this section must be accompanied by:

- (a) a written report that sets out:

- (i) the applicant's modelling of the behaviour of the greenhouse gas substance injected into the identified greenhouse gas storage formation; and
- (ii) information relevant to that modelling; and
- (iii) the applicant's analysis of that information; and

- (b) a written report that sets out the applicant's assessment of:

- (i) the behaviour of the greenhouse gas substance injected into the identified greenhouse gas storage formation; and
- (ii) the expected migration pathway or pathways of that greenhouse gas substance; and
- (iii) the short-term consequences of the migration of that greenhouse gas substance; and
- (iv) the long-term consequences of the migration of that greenhouse gas substance; and

- (c) the applicant's suggestions for the approach to be taken by the Commonwealth, after the issue of the certificate, to the monitoring of the behaviour of a greenhouse gas substance stored in the identified greenhouse gas storage formation; and

- (d) such other information (if any) as is specified in the regulations.
- (3) Subsection (2) does not apply if there have not been any operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation.

Mandatory application—cessation of injection operations

- (4) If:
 - (a) a greenhouse gas injection licence is in force; and
 - (b) operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation concerned have ceased;the licensee must, within the application period, make an application under subsection (1) for a site closing certificate in relation to the identified greenhouse gas storage formation.
- (5) The ***application period*** for an application referred to in subsection (4) is:
 - (a) the period of 30 days after the day on which the cessation referred to in paragraph (4)(b) occurred; or
 - (b) such longer period, not more than 90 days after that day, as the responsible Commonwealth Minister allows.
- (6) The responsible Commonwealth Minister may allow a longer period under paragraph (5)(b) only on written application made by the licensee within the period of 30 days mentioned in paragraph (5)(a).
- (7) A person commits an offence if:
 - (a) the person is subject to a requirement under subsection (4); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 100 penalty units.

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- (8) An offence against subsection (7) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Mandatory application—grounds for cancellation of licence

- (9) If:

- (a) a greenhouse gas injection licence is in force; and
- (b) under Division 1 of Part 3.11, there is a ground for cancelling the licence;

the responsible Commonwealth Minister may, by written notice given to the licensee, direct the licensee:

- (c) to make an application under subsection (1) for a site closing certificate in relation to each identified greenhouse gas storage formation specified in the licence; and
- (d) to do so within the period specified in the notice.

- (10) A period specified under paragraph (9)(d) must not be shorter than 30 days.

- (11) A person commits an offence if:

- (a) the person is given a direction under subsection (9); and
- (b) the person omits to do an act; and
- (c) the omission breaches the requirement.

Penalty: 100 penalty units.

- (12) An offence against subsection (11) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Mandatory application—greenhouse gas injection licence tied to a petroleum retention lease or petroleum production licence

- (13) If:

- (a) a greenhouse gas injection licence is in force; and
- (b) the greenhouse gas injection licence is tied to a petroleum retention lease or petroleum production licence; and

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- (c) the petroleum retention lease or petroleum production licence ceases to be in force as a result of being surrendered, cancelled, terminated or wholly revoked;
- the licensee of the greenhouse gas injection licence must, within the application period, make an application under subsection (1) for a site closing certificate in relation to the identified greenhouse gas storage formation, or each of the identified greenhouse gas storage formations, specified in the greenhouse gas injection licence.
- (14) The ***application period*** for an application referred to in subsection (13) is:
- (a) the period of 30 days after the day on which the cessation referred to in paragraph (13)(c) occurred; or
 - (b) such longer period, not more than 90 days after that day, as the responsible Commonwealth Minister allows.
- (15) The responsible Commonwealth Minister may allow a longer period under paragraph (14)(b) only on written application made by the licensee within the period of 30 days mentioned in paragraph (14)(a).
- (16) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (13); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.
- Penalty: 100 penalty units.
- (17) An offence against subsection (16) is an offence of strict liability.
- Note: For strict liability, see section 6.1 of the *Criminal Code*.

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387 Variation of application for site closing certificate

Scope

- (1) This section applies if an application for a site closing certificate has been made under section 386.

Variation of application

- (2) At any time before a decision on the application is made by the responsible Commonwealth Minister, the applicant may, by written notice given to the responsible Commonwealth Minister, vary the application.
- (3) A variation of an application must be made in the approved manner.
- (4) A variation of an application may be made:
- (a) on the applicant's own initiative; or
 - (b) at the request of the responsible Commonwealth Minister.
- (5) A variation of an application may set out any additional matters that the applicant wishes to be considered.
- (6) If an application under this section is varied, a reference in this Act to the application is a reference to the application as varied.

388 Issue of site closing certificate—pre-certificate notice

- (1) If:
- (a) an application for a site closing certificate has been made under section 386; and
 - (b) either:
 - (i) the responsible Commonwealth Minister is satisfied that operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation concerned have ceased; or
 - (ii) the responsible Commonwealth Minister is satisfied that there have not been any operations for the injection of a

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greenhouse gas substance into the identified greenhouse gas storage formation concerned;

the responsible Commonwealth Minister may give the applicant a written notice (called a *pre-certificate notice*) telling the applicant that the responsible Commonwealth Minister is prepared to issue to the applicant a site closing certificate in relation to the identified greenhouse gas storage formation.

Note: See also section 391.

Responsible Commonwealth Minister must have regard to certain matters

- (2) If the responsible Commonwealth Minister is satisfied that there is a significant risk that a greenhouse gas substance injected into the identified greenhouse gas storage formation will have a significant adverse impact on:
- (a) navigation; or
 - (b) fishing; or
 - (c) any activities being lawfully carried on, or that could be lawfully carried on, by way of the construction or operation of a pipeline; or
 - (d) the enjoyment of native title rights (within the meaning of the *Native Title Act 1993*);

then, in deciding whether to give the applicant a pre-certificate notice, the responsible Commonwealth Minister must have regard to that significant risk.

- (3) Subsection (2) does not limit the matters to which the responsible Commonwealth Minister may have regard.

Circumstances in which a pre-certificate notice may be refused

- (4) The responsible Commonwealth Minister may refuse to give the applicant a pre-certificate notice in relation to the identified greenhouse gas storage formation if:
- (a) the responsible Commonwealth Minister is not satisfied that the greenhouse gas substance injected into the identified

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greenhouse gas storage formation is behaving as predicted in Part A of the approved site plan for the identified greenhouse gas storage formation; or

- (b) the responsible Commonwealth Minister is satisfied that there is a significant risk that a greenhouse gas substance injected into the identified greenhouse gas storage formation will have a significant adverse impact on:
 - (i) the conservation or exploitation of natural resources (whether in an offshore area or elsewhere); or
 - (ii) the geotechnical integrity of the whole or a part of a geological formation or geological structure; or
 - (iii) the environment; or
 - (iv) human health or safety.
- (5) Subsection (4) does not limit the matters to which the responsible Commonwealth Minister may have regard in deciding whether to refuse to give the applicant a pre-certificate notice.

Circumstances in which a pre-certificate notice must not be given

- (6) The responsible Commonwealth Minister must not give the applicant a pre-certificate notice in relation to the identified greenhouse gas storage formation unless the responsible Commonwealth Minister is satisfied that:
 - (a) either:
 - (i) the relevant statutory requirements have been complied with; or
 - (ii) any of the relevant statutory requirements have not been complied with, but there are sufficient grounds to warrant the issue of the site closing certificate; or
 - (b) if any conditions are specified in the regulations—those conditions have been satisfied.
- (7) For the purposes of paragraph (6)(a), each of the following is a **relevant statutory requirement**:
 - (a) the conditions to which the greenhouse gas injection licence is, or has from time to time been, subject;

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- (b) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1;
- (c) the provisions of the regulations.

Decision must be made within 5 years

- (8) If an application for a site closing certificate has been made under section 386, the responsible Commonwealth Minister must make a decision on the application within 5 years after the application was made.

389 Acknowledgement of receipt of application for site closing certificate

Scope

- (1) This section applies if an application has been made under section 386 for a site closing certificate.

Acknowledgement of receipt of application

- (2) The responsible Commonwealth Minister must give the applicant notice of receipt of the application.

390 Refusal to give pre-certificate notice

Scope

- (1) This section applies if:
 - (a) an application has been made under section 386 for a site closing certificate; and
 - (b) the responsible Commonwealth Minister refuses to give a pre-certificate notice to the applicant.

Notice of refusal

- (2) The responsible Commonwealth Minister must give written notice of the refusal to the applicant.

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391 Pre-certificate notice—security etc.

- (1) A pre-certificate notice that relates to an application for a site closing certificate must:
 - (a) specify a program of operations proposed to be carried out by the Commonwealth for the purposes of monitoring the behaviour of a greenhouse gas substance stored in the identified greenhouse gas storage formation concerned; and
 - (b) set out an estimate of the total costs and expenses of carrying out the program; and
 - (c) specify the form and amount of a security to be lodged by the applicant in respect of the compliance, by the holder for the time being of the site closing certificate, with the holder's obligations under section 398 in relation to the costs and expenses of carrying out the program; and
 - (d) contain a statement to the effect that the application will lapse if the applicant does not lodge the security with the responsible Commonwealth Minister within the period applicable under subsection (3).
- (2) The amount of the security must equal the estimate referred to in paragraph (1)(b).
- (3) The period for lodging the security is:
 - (a) 60 days after the pre-certificate notice was given to the applicant; or
 - (b) such longer period, not more than 180 days after the pre-certificate notice was given to the applicant, as the responsible Commonwealth Minister allows.
- (4) If the applicant does not lodge the security with the responsible Commonwealth Minister within the period applicable under subsection (3), the application lapses at the end of that period.
- (5) The regulations may provide that an estimate referred to in paragraph (1)(b) is to be made on the basis of:
 - (a) an assumption that costs and expenses will increase at an annual rate specified in the regulations; and

- (b) such other assumptions (if any) as are specified in the regulations.
- (6) Subsection (1) does not apply if the responsible Commonwealth Minister is satisfied that there have not been any operations for the injection of a greenhouse gas substance into the identified greenhouse gas storage formation concerned.

392 Issue of site closing certificate

If:

- (a) an applicant has been given a pre-certificate notice under subsection 388(1); and
- (b) if subsection 391(1) applies—the applicant has lodged the specified security within the period applicable under subsection 391(3);

the responsible Commonwealth Minister must issue to the applicant a site closing certificate in relation to the identified greenhouse gas storage formation specified in the pre-certificate notice.

Note: If the applicant does not lodge the security with the responsible Commonwealth Minister within the period applicable under subsection 391(3), the application lapses at the end of that period—see subsection 391(4).

393 Greenhouse gas injection licence transferred—transferee to be treated as applicant

Scope

- (1) This section applies if a transfer of a greenhouse gas injection licence is registered under section 530:
 - (a) after an application has been made under section 386 for a site closing certificate in relation to an identified greenhouse gas storage formation specified in the greenhouse gas injection licence; and

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- (b) before any action has been taken by the responsible Commonwealth Minister under section 388 or 390 in relation to the application.

Transferee to be treated as applicant

- (2) After the transfer, sections 386 to 392 and Part 3.8 have effect in relation to the application as if any reference in those sections and that Part to the applicant were a reference to the transferee.

394 Duration of site closing certificate

- (1) A site closing certificate remains in force indefinitely.
- (2) Subsection (1) has effect subject to this Chapter.

395 Transfer of site closing certificate

If:

- (a) a site closing certificate is held by the registered holder of a greenhouse gas injection licence; and
 - (b) a transfer of the licence is registered under section 530;
- the site closing certificate is, by force of this section, transferred to the transferee of the licence.

396 Transfer of securities

If:

- (a) a security is in force in relation to a site closing certificate; and
- (b) the site closing certificate is transferred;

then:

- (c) the interest of the transferor in the security is, by force of this section, transferred to the transferee; and
- (d) a document setting out or relating to the security has effect, after the transfer, as if a reference in the document to the transferor were a reference to the transferee.

397 Discharge of securities

The regulations may make provision in relation to the discharge, in whole or in part, by the responsible Commonwealth Minister of securities in force in relation to site closing certificates.

398 Recovery of the Commonwealth's costs and expenses

Scope

- (1) This section applies if:
- (a) a site closing certificate is in force in relation to an identified greenhouse gas storage formation; and
 - (b) the Commonwealth incurs reasonable costs or expenses in carrying out the program specified in the pre-certificate notice for the site closing certificate.

Recovery of costs and expenses

- (2) The costs or expenses:
- (a) are a debt due to the Commonwealth by the holder of the certificate; and
 - (b) are recoverable in:
 - (i) the Federal Court; or
 - (ii) the Federal Circuit Court; or
 - (iii) a court of a State or Territory that has jurisdiction in relation to the matter.
- (3) The total of the costs and expenses recoverable under subsection (2) must not exceed the estimate set out in the pre-certificate notice.

Division 8—Long-term liabilities

399 Closure assurance period

(1) If:

- (a) a site closing certificate is in force in relation to an identified greenhouse gas storage formation; and
- (b) the responsible Commonwealth Minister is satisfied that operations for the injection of a greenhouse gas substance into the formation ceased on a day (the *cessation day*) before the application for the site closing certificate was made; and
- (c) on a day (the *decision day*) that is at least 15 years after the issue of the site closing certificate, the responsible Commonwealth Minister is satisfied that:
 - (i) the greenhouse gas substance injected into the formation is behaving as predicted in Part A of the approved site plan for the formation; and
 - (ii) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on the geotechnical integrity of the whole or a part of a geological formation or geological structure; and
 - (iii) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on the environment; and
 - (iv) there is no significant risk that a greenhouse gas substance injected into the formation will have a significant adverse impact on human health or safety; and
 - (v) since the cessation day, there have not been any operations for the injection of a greenhouse gas substance into the formation;

the responsible Commonwealth Minister may, by writing, declare that the period:

- (d) beginning at the end of the cessation day; and

(e) ending at the end of the decision day;
is the ***closure assurance period*** in relation to the formation for the purposes of this Act.

- (2) A copy of a declaration under subsection (1) is to be given to the holder of the site closing certificate.

400 Indemnity—long-term liability

Scope

- (1) This section applies if:
- (a) a site closing certificate is in force in relation to an identified greenhouse gas storage formation; and
 - (b) when the application for the certificate was made, the formation was specified in a greenhouse gas injection licence; and
 - (c) there is a closure assurance period in relation to the formation; and
 - (d) the following conditions are satisfied in relation to a liability of an existing person who is or has been the registered holder of the licence (whether or not the licence is in force):
 - (i) the liability is a liability for damages;
 - (ii) the liability is attributable to an act done or omitted to be done in the carrying out of operations authorised by the licence in relation to the formation;
 - (iii) the liability is incurred or accrued after the end of the closure assurance period in relation to the formation;
 - (iv) such other conditions (if any) as are specified in the regulations.

Indemnity

- (2) The Commonwealth must indemnify the person against the liability.

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401 Commonwealth to assume long-term liability if licensee has ceased to exist

Scope

- (1) This section applies if:
- (a) a site closing certificate is in force in relation to an identified greenhouse gas storage formation; and
 - (b) when the application for the certificate was made, the formation was specified in a greenhouse gas injection licence; and
 - (c) there is a closure assurance period in relation to the formation; and
 - (d) a person who has been the registered holder of the licence (whether or not the licence is in force) has ceased to exist; and
 - (e) if the person had continued in existence, the following conditions would have been satisfied in relation to a liability of the person:
 - (i) the liability is a liability for damages;
 - (ii) the liability is attributable to an act done or omitted to be done in the carrying out of operations authorised by the licence in relation to the formation;
 - (iii) the liability is incurred or accrued after the end of the closure assurance period in relation to the formation;
 - (iv) such other conditions (if any) as are specified in the regulations; and
 - (f) apart from this section, the damages are irrecoverable because the person has ceased to exist.

Commonwealth to assume liability

- (2) The liability is taken to be a liability of the Commonwealth.

Part 3.5—Greenhouse gas search authorities

Division 1—General provisions

402 Simplified outline

The following is a simplified outline of this Part:

- This Part provides for the grant of greenhouse gas search authorities over blocks in an offshore area.
- A greenhouse gas search authority may be granted over a block so long as none of the following is in force over the block:
 - (a) a greenhouse gas assessment permit;
 - (b) a greenhouse gas holding lease;
 - (c) a greenhouse gas injection licence;
 - (d) a petroleum exploration permit;
 - (e) a petroleum retention lease;
 - (f) a petroleum production licence.
- A greenhouse gas search authority authorises the holder to carry on the following operations in the authority area:
 - (a) operations relating to the exploration for potential greenhouse gas storage formations;
 - (b) operations relating to the exploration for potential greenhouse gas injection sites.

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- A greenhouse gas search authority does not authorise the holder to make a well.

403 Rights conferred by greenhouse gas search authority

- (1) A greenhouse gas search authority authorises the registered holder, in accordance with the conditions (if any) to which the authority is subject, to carry on, in the authority area, the operations relating to:
 - (a) the exploration for potential greenhouse gas storage formations; and
 - (b) the exploration for potential greenhouse gas injection sites; that are specified in the authority.
- (2) A greenhouse gas search authority does not authorise the registered holder to make a well.
- (3) The rights conferred on the registered holder by subsection (1) are subject to this Act and the regulations.

404 Conditions of greenhouse gas search authorities

- (1) The responsible Commonwealth Minister may grant a greenhouse gas search authority subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.

Note: See also section 571A, which deals with insurance.

- (2) The conditions (if any) must be specified in the greenhouse gas search authority.

405 Duration of greenhouse gas search authority

- (1) A greenhouse gas search authority comes into force on the day specified in the authority as the day on which the authority is to come into force.
- (2) A greenhouse gas search authority remains in force for the period specified in the authority.

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(3) The period specified under subsection (2) must not be longer than 180 days.

(4) Subsection (2) has effect subject to this Chapter.

Note 1: For the surrender of a greenhouse gas search authority, see Part 3.10.

Note 2: For the cancellation of a greenhouse gas search authority, see Part 3.11.

406 Greenhouse gas search authority cannot be transferred

A greenhouse gas search authority cannot be transferred.

Division 2—Obtaining a greenhouse gas search authority

407 Application for greenhouse gas search authority

- (1) A person may apply to the responsible Commonwealth Minister for the grant of a greenhouse gas search authority over a block or blocks, so long as none of the following is in force over that block or any of those blocks:
 - (a) a greenhouse gas assessment permit;
 - (b) a greenhouse gas holding lease;
 - (c) a greenhouse gas injection licence;
 - (d) a petroleum exploration permit;
 - (e) a petroleum retention lease;
 - (f) a petroleum production licence.
- (2) An application under this section must specify:
 - (a) the operations relating to:
 - (i) the exploration for potential greenhouse gas storage formations; and
 - (ii) the exploration for potential greenhouse gas injection sites;that the applicant proposes to carry on; and
 - (b) the block or blocks within which the applicant proposes to carry on those operations.

Note 1: Part 3.8 contains additional provisions about application procedures.

Note 2: Section 427 requires the application to be accompanied by an application fee.

408 Grant or refusal of greenhouse gas search authority

If an application for a greenhouse gas search authority has been made under section 407, the responsible Commonwealth Minister may:

- (a) grant the applicant a greenhouse gas search authority; or

- (b) by written notice given to the applicant, refuse to grant a greenhouse gas search authority to the applicant.

409 Holders to be informed of the grant of another greenhouse gas search authority

Scope

- (1) This section applies if:
 - (a) a person (the **first person**) is the registered holder of a greenhouse gas search authority over a block; and
 - (b) another greenhouse gas search authority is granted to another person (the **second person**) over the block.

Holders to be informed

- (2) The responsible Commonwealth Minister must, by written notice given to the first person, inform the first person of:
 - (a) the operations authorised by the greenhouse gas search authority granted to the second person; and
 - (b) the conditions of the greenhouse gas search authority granted to the second person.
- (3) The responsible Commonwealth Minister must, by written notice given to the second person, inform the second person of:
 - (a) the operations authorised by the greenhouse gas search authority granted to the first person; and
 - (b) the conditions of the greenhouse gas search authority granted to the first person.

410 Holders to be informed of the grant of a petroleum special prospecting authority

Scope

- (1) This section applies if:
-

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- (a) a person (the ***first person***) is the registered holder of a greenhouse gas search authority over a block; and
- (b) a petroleum special prospecting authority is granted to another person (the ***second person***) over the block.

Holders to be informed

- (2) The Titles Administrator must, by written notice given to the first person, inform the first person of:
 - (a) the operations authorised by the petroleum special prospecting authority granted to the second person; and
 - (b) the conditions of the petroleum special prospecting authority granted to the second person.
- (3) The responsible Commonwealth Minister must, by written notice given to the second person, inform the second person of:
 - (a) the operations authorised by the greenhouse gas search authority granted to the first person; and
 - (b) the conditions of the greenhouse gas search authority granted to the first person.

Part 3.6—Greenhouse gas special authorities

Division 1—General provisions

411 Simplified outline

The following is a simplified outline of this Part:

- This Part provides for the grant of greenhouse gas special authorities over blocks in an offshore area.
- A greenhouse gas special authority authorises the holder to carry on certain operations in the authority area (but not to make a well).

412 Rights conferred by greenhouse gas special authority

- (1) A greenhouse gas special authority authorises the registered holder, in accordance with the conditions (if any) to which the authority is subject, to carry on, in the authority area, the operations specified in the authority.
- (2) A greenhouse gas special authority does not authorise the registered holder to make a well.
- (3) The rights conferred on the registered holder by subsection (1) are subject to this Act and the regulations.

413 Conditions of greenhouse gas special authorities

- (1) The responsible Commonwealth Minister may grant a greenhouse gas special authority subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.

Note: See also section 571A, which deals with insurance.

Chapter 3 Regulation of activities relating to injection and storage of greenhouse gas substances

Part 3.6 Greenhouse gas special authorities

Division 1 General provisions

Section 414

- (2) The conditions (if any) must be specified in the greenhouse gas special authority.

414 Duration of greenhouse gas special authority

- (1) A greenhouse gas special authority comes into force on the day specified in the authority as the day on which the authority is to come into force.
- (2) A greenhouse gas special authority remains in force for the period specified in the authority, but may be extended by the responsible Commonwealth Minister for a further specified period.
- (3) Subsection (2) has effect subject to this Chapter.

Note 1: For the surrender of a greenhouse gas special authority, see Part 3.10.

Note 2: For the revocation of a greenhouse gas special authority, see section 421.

Division 2—Obtaining a greenhouse gas special authority

415 Application for greenhouse gas special authority

(1) The table has effect:

Application for greenhouse gas special authority			
	Column 1	Column 2	Column 3
Item	This person...	may apply to...	for the grant of a greenhouse gas special authority to enable the person to...
1	the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence relating to a particular offshore area	the responsible Commonwealth Minister	<p>carry on, in an area that is:</p> <p>(a) part of that offshore area but outside the permit area, lease area or licence area; or</p> <p>(b) part of an adjoining offshore area;</p> <p>any or all of the following:</p> <p>(c) operations relating to the exploration for potential greenhouse gas storage formations;</p> <p>(d) operations relating to the exploration for potential greenhouse gas injection sites;</p> <p>(e) operations relating to the injection of a greenhouse gas substance into a part of a geological formation;</p> <p>(f) operations relating to the storage of a greenhouse gas substance in a part of a geological formation;</p> <p>(g) operations to carry out baseline investigations relating to the storage of a greenhouse gas substance in a part of a geological formation;</p>

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Part 3.6 Greenhouse gas special authorities

Division 2 Obtaining a greenhouse gas special authority

Section 416

Application for greenhouse gas special authority			
	Column 1	Column 2	Column 3
Item	This person...	may apply to...	for the grant of a greenhouse gas special authority to enable the person to...
			(h) operations relating to the monitoring of the behaviour of a greenhouse gas substance stored in a part of a geological formation.
2	the registered holder of a greenhouse gas search authority relating to a particular offshore area	the responsible Commonwealth Minister	carry on either or both of the following: (a) operations relating to the exploration for potential greenhouse gas storage formations; (b) operations relating to the exploration for potential greenhouse gas injection sites; in an area that is: (c) part of that offshore area but outside the authority area of the greenhouse gas search authority; or (d) part of an adjoining offshore area.

(2) An application under this section must specify:

- (a) the operations that the applicant proposes to carry on; and
- (b) the area in which the applicant proposes to carry on those operations.

Note: Part 3.8 contains additional provisions about application procedures.

416 Grant or refusal of greenhouse gas special authority

If:

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- (a) an application for a greenhouse gas special authority has been made under section 415; and
 - (b) the responsible Commonwealth Minister is satisfied that it is necessary or desirable to grant the greenhouse gas special authority for:
 - (i) the more effective exercise of the applicant's rights; or
 - (ii) the proper performance of the applicant's duties; in the applicant's capacity as the registered holder of:
 - (iii) a greenhouse gas assessment permit; or
 - (iv) a greenhouse gas holding lease; or
 - (v) a greenhouse gas injection licence; or
 - (vi) a greenhouse gas search authority;
- the responsible Commonwealth Minister may:
- (c) grant the applicant a greenhouse gas special authority; or
 - (d) by written notice given to the applicant, refuse to grant a greenhouse gas special authority to the applicant.

Note: Consultation procedures apply—see section 417.

417 Consultation—grant of greenhouse gas special authority

Scope

- (1) This section applies if:
 - (a) an application for a greenhouse gas special authority has been made under section 415 in relation to an area (the **application area**); and
 - (b) the application area is, to any extent, the subject of:
 - (i) a greenhouse gas assessment permit; or
 - (ii) a greenhouse gas holding lease; or
 - (iii) a greenhouse gas injection licence; or
 - (iv) a greenhouse gas search authority; and
 - (c) the applicant is not the registered holder of the permit, lease, licence or authority mentioned in paragraph (b); and

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- (d) the registered holder of the permit, lease, licence or authority mentioned in paragraph (b) has not given written consent to the grant of the greenhouse gas special authority.

Consultation

- (2) Before granting the greenhouse gas special authority, the responsible Commonwealth Minister must:
 - (a) by written notice given to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(b), give at least 30 days notice of the responsible Commonwealth Minister's intention to grant the greenhouse gas special authority; and
 - (b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.
- (3) The notice must:
 - (a) set out details of the greenhouse gas special authority that is proposed to be granted; and
 - (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and
 - (c) specify a time limit for making that submission.
- (4) In deciding:
 - (a) whether to grant the greenhouse gas special authority; and
 - (b) the conditions (if any) to which the greenhouse gas special authority should be subject;the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Division 3—Variation of greenhouse gas special authorities

418 Variation of greenhouse gas special authority

The responsible Commonwealth Minister may, by written notice given to the registered holder of a greenhouse gas special authority, vary the greenhouse gas special authority.

Note: Consultation procedures apply—see section 419.

419 Consultation—variation of greenhouse gas special authority

Scope

- (1) This section applies if:
- (a) the responsible Commonwealth Minister proposes to vary a greenhouse gas special authority; and
 - (b) the authority area is, to any extent, the subject of:
 - (i) a greenhouse gas assessment permit; or
 - (ii) a greenhouse gas holding lease; or
 - (iii) a greenhouse gas injection licence; or
 - (iv) a greenhouse gas search authority; and
 - (c) the applicant is not the registered holder of the permit, lease, licence or authority mentioned in paragraph (b); and
 - (d) the registered holder of the permit, lease, licence or authority mentioned in paragraph (b) has not given written consent to the variation of the greenhouse gas special authority.

Consultation

- (2) Before varying the greenhouse gas special authority, the responsible Commonwealth Minister must:
- (a) by written notice given to the registered holder of the permit, lease, licence or authority mentioned in paragraph (1)(b) give at least 30 days notice of the responsible Commonwealth

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Minister's intention to vary the greenhouse gas special authority; and

- (b) give a copy of the notice to:
 - (i) the registered holder of the greenhouse gas special authority; and
 - (ii) such other persons (if any) as the responsible Commonwealth Minister thinks fit.
- (3) The notice must:
 - (a) set out details of the variation that is proposed to be made; and
 - (b) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and
 - (c) specify a time limit for making that submission.
- (4) In deciding whether to vary the greenhouse gas special authority, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

Division 4—Reporting obligations of holders of greenhouse gas special authorities

420 Reporting obligations of holders of greenhouse gas special authorities

- (1) If:
- (a) at any time during a particular month, a greenhouse gas special authority is in force in relation to an area that consists of, or includes, a block that is the subject of:
 - (i) a greenhouse gas assessment permit; or
 - (ii) a greenhouse gas holding lease; or
 - (iii) a greenhouse gas injection licence; and
 - (b) the registered holder of the greenhouse gas special authority is not the registered holder of the permit, lease or licence;
the registered holder of the greenhouse gas special authority must, within 30 days after the end of that month, give the registered holder of the permit, lease or licence:
 - (c) a written report about the operations carried on in that block during that month; and
 - (d) a written summary of the facts ascertained from those operations.
- (2) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (1); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 50 penalty units.

- (3) An offence against subsection (2) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Division 5—Revocation of greenhouse gas special authorities

421 Revocation of greenhouse gas special authority

- (1) The responsible Commonwealth Minister may, by written notice given to the registered holder of a greenhouse gas special authority, revoke the greenhouse gas special authority.
- (2) If:
 - (a) the responsible Commonwealth Minister revokes a greenhouse gas special authority; and
 - (b) the greenhouse gas special authority authorised operations in:
 - (i) a greenhouse gas assessment permit area; or
 - (ii) a greenhouse gas holding lease area; or
 - (iii) a greenhouse gas injection licence area;the responsible Commonwealth Minister must give written notice of the revocation to the permittee, lessee or licensee.

Part 3.7—Greenhouse gas research consents

422 Simplified outline

The following is a simplified outline of this Part:

- This Part provides for the grant of greenhouse gas research consents.
- A greenhouse gas research consent authorises the holder to carry on the following operations in the course of a scientific investigation:
 - (a) operations relating to the exploration for potential greenhouse gas storage formations;
 - (b) operations relating to the exploration for potential greenhouse gas injection sites.

423 Rights conferred by greenhouse gas research consent

- (1) A greenhouse gas research consent authorises the holder, in accordance with the conditions (if any) to which the consent is subject, to carry on, in the offshore area specified in the consent, the operations relating to:
 - (a) the exploration for potential greenhouse gas storage formations; and
 - (b) the exploration for potential greenhouse gas injection sites; that are specified in the consent in the course of the scientific investigation specified in the consent.
- (2) The rights conferred on the holder by subsection (1) are subject to section 460.

Note: Section 460 deals with interference with other rights.

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424 Conditions of greenhouse gas research consents

- (1) The responsible Commonwealth Minister may grant a greenhouse gas research consent subject to whatever conditions the responsible Commonwealth Minister thinks appropriate.
- (2) The conditions (if any) must be specified in the consent.

425 Grant of greenhouse gas research consent

- (1) The responsible Commonwealth Minister may grant a written greenhouse gas research consent authorising a person to carry on, in an offshore area, the following operations in the course of a scientific investigation:
 - (a) operations relating to the exploration for potential greenhouse gas storage formations;
 - (b) operations relating to the exploration for potential greenhouse gas injection sites.
- (2) The person is the **holder** of the consent.

Part 3.8—Standard procedures

426 Application to be made in an approved manner

Scope

- (1) This section applies to an application for:
- (a) the grant or renewal of a greenhouse gas assessment permit;
or
 - (b) the grant or renewal of a greenhouse gas holding lease; or
 - (c) the grant or variation of a greenhouse gas injection licence;
or
 - (d) the grant of a greenhouse gas search authority; or
 - (e) the grant of a greenhouse gas special authority; or
 - (f) a site closing certificate.

Manner

- (2) The application must be made in an approved manner.

Note: See also subsection 33(3A) of the *Acts Interpretation Act 1901*.

427 Application fee

Scope

- (1) This section applies to an application for:
- (a) the grant or renewal of a greenhouse gas assessment permit;
or
 - (b) the grant or renewal of a greenhouse gas holding lease; or
 - (c) the grant or variation of a greenhouse gas injection licence;
or
 - (d) the grant of a greenhouse gas search authority; or
 - (e) a site closing certificate.

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Application fee

- (2) The application must be accompanied by the fee (if any) prescribed by the regulations.
- (3) Different fees may be prescribed for different applications.
- (4) A fee must not be such as to amount to taxation.
- (5) To avoid doubt, a fee is in addition to:
 - (a) the amount that a person specifies in an application as the amount that the person is prepared to pay for a cash-bid greenhouse gas assessment permit; and
 - (b) the amount specified in an offer document as the amount that a person must pay for a cash-bid greenhouse gas assessment permit.

428 Application may set out additional matters

Scope

- (1) This section applies to the following:
 - (a) an application for the grant of a greenhouse gas assessment permit (otherwise than by way of renewal);
 - (b) an application for the grant of a greenhouse gas holding lease (otherwise than by way of renewal);
 - (c) an application for the grant or variation of a greenhouse gas injection licence;
 - (d) an application for the grant of a greenhouse gas special authority;
 - (e) an application for a site closing certificate.

Additional matters

- (2) The application may set out any additional matters that the applicant wishes to be considered.

429 Responsible Commonwealth Minister may require further information

Scope

- (1) This section applies to an application for:
- (a) the grant or renewal of a greenhouse gas assessment permit;
or
 - (b) the grant or renewal of a greenhouse gas holding lease; or
 - (c) the grant or variation of a greenhouse gas injection licence;
or
 - (d) a site closing certificate.

Requirement to give further information

- (2) The responsible Commonwealth Minister may, by written notice given to the applicant, require the applicant to give the responsible Commonwealth Minister, within the period specified in the notice, further information in connection with the application.

Consequences of breach of requirement

- (3) If the applicant breaches the requirement, the responsible Commonwealth Minister may, by written notice given to the applicant:
- (a) refuse to consider the application; or
 - (b) refuse to take any action, or any further action, in relation to the application.
- (4) Subsection (3) has effect despite any provision of this Act that requires the responsible Commonwealth Minister to:
- (a) consider the application; or
 - (b) take any particular action in relation to the application.
- (5) A reference in this section to taking action in relation to the application includes a reference to giving an offer document in relation to the application.

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430 Offer documents

Scope

- (1) This section applies to an offer document that relates to an application for:
 - (a) the grant or renewal of a greenhouse gas assessment permit; or
 - (b) the grant or renewal of a greenhouse gas holding lease; or
 - (c) the grant of a greenhouse gas injection licence.

General requirements

- (2) The offer document must contain:
 - (a) a summary of the conditions to which the permit, lease or licence will be subject; and
 - (b) a statement to the effect that the application will lapse if the applicant does not make a request under section 431.

Payment for cash-bid greenhouse gas assessment permit

- (3) If the offer document relates to an application for the grant of a cash-bid greenhouse gas assessment permit, the offer document must:
 - (a) specify the amount that the applicant must pay for the permit; and
 - (b) contain a statement to the effect that the application will lapse if the applicant does not pay the amount to the Commonwealth within the period allowed for making a request under section 431.

Security

- (4) The offer document may:
 - (a) specify the form and amount of a security to be lodged by the applicant in respect of compliance with the applicable statutory obligations by the registered holder for the time being of the permit, lease or licence; and

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- (b) contain a statement to the effect that the application will lapse if the applicant does not lodge the security with the responsible Commonwealth Minister within the period allowed for making a request under section 431.
- (5) For the purposes of subsection (4), the *applicable statutory obligations* are as follows:
 - (a) the obligation of the registered holder to comply with a condition to which the permit, lease or licence is subject;
 - (b) the obligation of the registered holder to comply with a direction given to the registered holder by the responsible Commonwealth Minister, NOPSEMA or the Titles Administrator under this Chapter, Chapter 6 or Part 8.1;
 - (c) the obligation of the registered holder to comply with the provisions of:
 - (i) this Chapter; or
 - (ii) Chapter 5; or
 - (iii) Chapter 6; or
 - (iv) Part 8.1; or
 - (v) the regulations.

431 Acceptance of offer—request by applicant

- (1) The table has effect:

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Part 3.8 Standard procedures

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Acceptance of offer by applicant			
Item	Column 1	Column 2	Column 3
	If an offer document relates to an application for the grant of...	the applicant may, within...	by written notice given to the responsible Commonwealth Minister, request the responsible Commonwealth Minister to grant the applicant...
1	a work-bid greenhouse gas assessment permit	whichever of the following periods is applicable: (a) 30 days after the offer document was given to the applicant; (b) such longer period, not more than 60 days after the offer document was given to the applicant, as the responsible Commonwealth Minister allows;	the permit.
2	a cash-bid greenhouse gas assessment permit	30 days after the offer document was given to the applicant;	the permit.
2A	the renewal of a greenhouse gas assessment permit	30 days after the offer document was given to the applicant;	the renewal of the permit.

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Acceptance of offer by applicant			
Item	Column 1	Column 2	Column 3
	If an offer document relates to an application for the grant of...	the applicant may, within...	by written notice given to the responsible Commonwealth Minister, request the responsible Commonwealth Minister to grant the applicant...
3	a greenhouse gas holding lease	whichever of the following periods is applicable: (a) 30 days after the offer document was given to the applicant; (b) such longer period, not more than 60 days after the offer document was given to the applicant, as the responsible Commonwealth Minister allows;	the lease.
4	the renewal of a greenhouse gas holding lease	30 days after the offer document was given to the applicant;	the renewal of the lease.
5	a greenhouse gas injection licence	whichever of the following periods is applicable: (a) 90 days after the offer document was given to the applicant; (b) such longer period, not more than 180 days after the offer document was given to the applicant, as the responsible Commonwealth Minister allows;	the licence.

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Longer periods

- (2) The responsible Commonwealth Minister may allow a longer period under paragraph (b) of column 2 of item 1 or 3 of the table only on written application made by the applicant within the period of 30 days mentioned in paragraph (a) of that column.
- (3) The responsible Commonwealth Minister may allow a longer period under paragraph (b) of column 2 of item 5 of the table only on written application made by the applicant within the period of 90 days mentioned in paragraph (a) of that column.

Application lapses if request not made within the applicable period

- (4) If an applicant does not make a request under an item of the table within the period applicable under column 2 of the table, the application lapses at the end of that period.

432 Acceptance of offer—payment

If:

- (a) an offer document specifies an amount that the applicant must pay to the Commonwealth for the grant of a cash-bid greenhouse gas assessment permit; and
 - (b) the applicant has not paid that amount within the period applicable under column 2 of the table in subsection 431(1);
- the application lapses at the end of that period.

433 Acceptance of offer—lodgment of security

If:

- (a) an offer document specifies the form and amount of a security that the applicant must lodge with the responsible Commonwealth Minister; and
 - (b) the applicant has not lodged that security within the period applicable under section 431;
- the application lapses at the end of that period.

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434 Consultation—adverse decisions*Scope*

- (1) This section applies to a decision set out in the table, and the ***affected person*** in relation to that decision is set out in the table:

Decisions and affected persons			
Item	Column 1	Column 2	Column 3
	Provision under which decision is made	Decision of the responsible Commonwealth Minister	Affected person
1A	section 310	refusal to renew a greenhouse gas assessment permit	the permittee.
1	section 332	refusal to grant a greenhouse gas holding lease to a greenhouse gas injection licensee	the licensee.
2	section 349	refusal to renew a greenhouse gas holding lease	the lessee.
3	section 374	refusal to vary a greenhouse gas injection licence	the licensee.

Consultation

- (2) Before making the decision, the responsible Commonwealth Minister must:
- (a) by written notice given to the affected person, give at least 30 days notice of the responsible Commonwealth Minister's intention to make the decision; and
 - (b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.
- (3) The notice must:

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- (a) set out details of the decision that is proposed to be made; and
 - (b) set out the reasons for the proposal; and
 - (c) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and
 - (d) specify a time limit for making that submission.
- (4) In deciding whether to make the decision, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

435 Responsible Commonwealth Minister may require information about negotiations for a designated agreement

Scope

- (1) This section applies to the following applications:
- (a) an application under subsection 292(1) for approval to carry on one or more key greenhouse gas operations under a greenhouse gas assessment permit;
 - (b) an application under subsection 321(1) for approval to carry on one or more key greenhouse gas operations under a greenhouse gas holding lease;
 - (c) an application under section 361 for the grant of a greenhouse gas injection licence;
 - (d) an application under section 369 for the grant of a greenhouse gas injection licence;
- where either or both of the following are relevant to the responsible Commonwealth Minister's decision on the application:
- (e) the existence or non-existence of a designated agreement;
 - (f) the terms of a designated agreement.

Report about negotiations

- (2) The responsible Commonwealth Minister may, by written notice given to the applicant, require the applicant to give to the

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responsible Commonwealth Minister, within the period specified in the notice, a written report about negotiations, or attempts at negotiations, relating to:

- (a) the entering into of the designated agreement; and
- (b) the terms of the designated agreement.

Consequences of breach of requirement

- (3) If the applicant breaches the requirement, the responsible Commonwealth Minister may, by written notice given to the applicant:
 - (a) refuse to consider the application; or
 - (b) refuse to take any action, or any further action, in relation to the application.
- (4) Subsection (3) has effect despite any provision of this Act that requires the responsible Commonwealth Minister to:
 - (a) consider the application; or
 - (b) take any particular action in relation to the application.

Chapter 3 Regulation of activities relating to injection and storage of greenhouse gas substances

Part 3.9 Variation, suspension and exemption

Division 1 Variation, suspension and exemption decisions relating to greenhouse gas assessment permits, greenhouse gas holding leases and greenhouse gas injection licences

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Part 3.9—Variation, suspension and exemption

Division 1—Variation, suspension and exemption decisions relating to greenhouse gas assessment permits, greenhouse gas holding leases and greenhouse gas injection licences

436 Variation, suspension and exemption—conditions of titles

When the conditions of a title may be the subject of a variation, suspension or exemption

- (1) This section applies if an event specified in the table happens, or a circumstance specified in the table exists:

When the conditions of a title may be the subject of a variation, suspension or exemption		
Item	Title	Event or circumstance
1	a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence	the permittee, lessee or licensee applies in writing to the responsible Commonwealth Minister for: (a) a variation or suspension of any of the conditions to which the permit, lease or licence is subject; or (b) exemption from compliance with any of the conditions to which the permit, lease or licence is subject.

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When the conditions of a title may be the subject of a variation, suspension or exemption

Item	Title	Event or circumstance
2	a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence	the responsible Commonwealth Minister or the Titles Administrator gives a direction or consent to the permittee, lessee or licensee under: (a) this Chapter; or (b) Chapter 6; or (c) Part 8.1; or (d) the regulations.
3	greenhouse gas injection licence	the licence is partly surrendered.
4	a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence	the permittee, lessee or licensee consents to the making of a determination under section 462.
4A	a greenhouse gas assessment permit	the permit is taken to continue in force until the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the permit (see subsection 308(6)).
5	a greenhouse gas holding lease	the lease is taken to continue in force until the responsible Commonwealth Minister grants, or refuses to grant, the renewal of the lease (see subsection 347(6)).

(1A) An application under item 1 of the table in subsection (1) for a variation of any of the conditions to which a permit, lease or licence is subject may be set out in the same document as an application under that item for a suspension of any of the conditions to which the permit, lease or licence is subject.

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Variation, suspension or exemption

- (2) The responsible Commonwealth Minister may, by written notice given to the permittee, lessee or licensee:
- (a) vary; or
 - (b) suspend; or
 - (c) exempt the permittee, lessee or licensee from compliance with;
- any of the conditions to which the permit, lease, or licence is subject, on such conditions (if any) as are specified in the notice.
- (3) A variation under subsection (2) may be in the same notice as a suspension under that subsection.

Notice of refusal of application

- (3A) If:
- (a) an application is made under item 1 of the table in subsection (1); and
 - (b) the responsible Commonwealth Minister refuses the application;
- the responsible Commonwealth Minister must:
- (c) by written notice given to the applicant, notify the applicant of the refusal; and
 - (d) do so as soon as practicable after the refusal.

When variation takes effect

- (4) A variation of a greenhouse gas injection licence under this section takes effect on the day on which notice of the variation is published in the *Gazette*.
- (5) A variation of a greenhouse gas assessment permit or greenhouse gas holding lease under this section takes effect on the day on which notice of the variation is given to the permittee or lessee.

437 Extension of term of greenhouse gas assessment permit or greenhouse gas holding lease—suspension of conditions

Scope

- (1) This section applies if, under section 436, the responsible Commonwealth Minister decides to suspend any of the conditions to which a greenhouse gas assessment permit or greenhouse gas holding lease is subject.

Extension of term

- (2) If the responsible Commonwealth Minister considers that the circumstances make it reasonable to do so, the responsible Commonwealth Minister may extend the term of the permit or lease by a period that the responsible Commonwealth Minister considers appropriate.
- (3) In considering what period of extension may be appropriate, the responsible Commonwealth Minister must have regard to:
- (a) the length of the period of suspension; and
 - (b) such other matters (if any) as the responsible Commonwealth Minister considers relevant.
- (4) The extension may be:
- (a) in the notice of suspension; or
 - (b) by a later written notice given to the permittee or lessee.
- (5) Subsection (2) has effect subject to this Chapter but despite:
- (a) in the case of a greenhouse gas assessment permit—section 293; and
 - (b) in the case of a greenhouse gas holding lease—section 322.

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Division 1 Variation, suspension and exemption decisions relating to greenhouse gas assessment permits, greenhouse gas holding leases and greenhouse gas injection licences

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437A Extension of term of greenhouse gas assessment permit or greenhouse gas holding lease pending decision on application for suspension of conditions

- (1) If:
 - (a) a greenhouse gas assessment permittee or a greenhouse gas holding lessee applies for a suspension of any of the conditions to which the permit or lease is subject; and
 - (b) the permit or lease would, apart from this subsection, expire before the responsible Commonwealth Minister makes a decision on the application;the permit or lease continues in force until the responsible Commonwealth Minister makes a decision on the application.
- (2) If the responsible Commonwealth Minister refuses the application, the permit or lease continues in force until the end of:
 - (a) the period of 2 months that began when notice of the refusal was given to the permittee or lessee; or
 - (b) such longer period as the responsible Commonwealth Minister allows.
- (3) If a greenhouse gas assessment permit or a greenhouse gas holding lease continues in force during a period under subsection (2), the permittee or lessee is not entitled to make an application during that period for a suspension of any of the conditions to which the permit or lease is subject.
- (4) Subsections (1) and (2) have effect subject to this Chapter but despite:
 - (a) in the case of a greenhouse gas assessment permit—section 293; and
 - (b) in the case of a greenhouse gas holding lease—section 322.

Note: See the notes at the end of sections 293 and 322.

438 Suspension of rights—greenhouse gas assessment permit or greenhouse gas holding lease

Suspension of rights

- (1) If the responsible Commonwealth Minister is satisfied that it is necessary to do so in the national interest, the responsible Commonwealth Minister must, by written notice given to a greenhouse gas assessment permittee or greenhouse gas holding lessee, suspend, either:
 - (a) for a specified period; or
 - (b) indefinitely;any or all of the rights conferred by the permit or lease.
- (2) If any rights are suspended under subsection (1), any conditions that must be complied with in the exercise of those rights are also suspended.

Termination of suspension

- (3) The responsible Commonwealth Minister may, by written notice given to the permittee or lessee, terminate a suspension of rights under subsection (1).

439 Extension of term of greenhouse gas assessment permit or greenhouse gas holding lease—suspension of rights

Scope

- (1) This section applies if rights conferred by a greenhouse gas assessment permit or greenhouse gas holding lease are suspended under section 438.

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Extension of term

- (2) The responsible Commonwealth Minister may extend the term of the permit or lease by a period not more than the period of the suspension.
- (3) The extension may be:
 - (a) in the notice of suspension; or
 - (b) by a later written notice given to the permittee or lessee.

Division 2—Variation, suspension and exemption decisions relating to greenhouse gas search authorities and greenhouse gas special authorities

440 Variation, suspension and exemption—conditions of greenhouse gas search authorities and greenhouse gas special authorities

*When the conditions of a title may be the subject of a variation,
suspension or exemption*

- (1) This section applies if an event specified in the table happens, or a
circumstance specified in the table exists:

When the conditions of a title may be the subject of a variation, suspension or exemption		
Item	Title	Event or circumstance
1	a greenhouse gas special authority	a greenhouse gas special authority is in force over the whole or a part of a block that is the subject of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence.
2	a greenhouse gas special authority	the responsible Commonwealth Minister varies a greenhouse gas special authority over a block that is the subject of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence.

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Part 3.9 Variation, suspension and exemption

Division 2 Variation, suspension and exemption decisions relating to greenhouse gas search authorities and greenhouse gas special authorities

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When the conditions of a title may be the subject of a variation, suspension or exemption

Item	Title	Event or circumstance
3	a greenhouse gas search authority or greenhouse gas special authority	the registered holder of the authority applies in writing to the responsible Commonwealth Minister for: (a) a variation or suspension of any of the conditions to which the authority is subject; or (b) exemption from compliance with any of the conditions to which the authority is subject.
4	a greenhouse gas search authority or greenhouse gas special authority	the responsible Commonwealth Minister or the Titles Administrator gives a direction or consent to the registered holder of the authority under: (a) this Chapter; or (b) Chapter 6; or (c) Part 8.1; or (d) the regulations.

Variation, suspension or exemption

- (2) The responsible Commonwealth Minister may, by written notice given to the registered holder of the authority:
- (a) vary; or
 - (b) suspend; or
 - (c) exempt the registered holder from compliance with; any of the conditions to which the authority is subject, on such conditions (if any) as are specified in the notice.

Part 3.10—Surrender of titles

Division 1—Surrender of greenhouse gas assessment permits, greenhouse gas holding leases and greenhouse gas injection licences

441 Application for consent to surrender title

- (1) The table has effect:

Surrender		
Item	The registered holder of...	may apply to the responsible Commonwealth Minister for consent to surrender...
1	a greenhouse gas assessment permit	the permit.
2	a greenhouse gas holding lease	the lease.
3	a greenhouse gas injection licence	the licence as to some or all of the blocks in relation to which the licence is in force.

- (2) An application under subsection (1) must be in writing.

442 Consent to surrender title

Scope

- (1) This section applies if an application is made under section 441 for a consent.

Decision

- (2) The responsible Commonwealth Minister may, by written notice given to the applicant:
- (a) give consent; or

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- (b) refuse to consent.

Criteria

- (3) The responsible Commonwealth Minister may consent to the surrender sought by the application only if:
- (a) the registered holder of the permit, lease or licence has paid all fees and amounts payable by the holder under the following:
 - (i) this Act;
 - (ii) section 10E of the Regulatory Levies Act;or has made arrangements that are satisfactory to the responsible Commonwealth Minister for the payment of those fees and amounts; and
 - (b) the registered holder of the permit, lease or licence has complied with the conditions to which the permit, lease or licence is subject and with the provisions of:
 - (i) this Chapter; and
 - (ii) Chapter 5; and
 - (iii) Chapter 6; and
 - (iv) Part 8.1; and
 - (v) the regulations; and
 - (c) the registered holder of the permit, lease or licence has:
 - (i) to the satisfaction of the responsible Commonwealth Minister, removed or caused to be removed from the surrender area (defined by subsection (9)) all property brought into the surrender area by any person engaged or concerned in the operations authorised by the permit, lease or licence; or
 - (ii) made arrangements that are satisfactory to the responsible Commonwealth Minister in relation to that property; and
 - (d) the registered holder of the permit, lease or licence has, to the satisfaction of the responsible Commonwealth Minister, plugged or closed off all wells made in the surrender area by

any person engaged or concerned in the operations authorised by the permit, lease or licence; and

- (e) the registered holder of the permit, lease or licence has provided, to the satisfaction of the responsible Commonwealth Minister, for the conservation and protection of the natural resources in the surrender area; and
- (f) the registered holder of the permit, lease or licence has, to the satisfaction of the responsible Commonwealth Minister, made good any damage to the seabed or subsoil in the surrender area caused by any person engaged or concerned in the operations authorised by the permit, lease or licence; and
- (g) in the case of an application for consent to surrender a greenhouse gas injection licence as to all of the blocks in relation to which the licence is in force—a site closing certificate is in force in relation to each identified greenhouse gas storage formation specified in the licence; and
- (h) in the case of an application for consent to surrender a greenhouse gas injection licence as to some of the blocks in relation to which the licence is in force—a site closing certificate is in force in relation to each identified greenhouse gas storage formation that:
 - (i) is specified in the licence; and
 - (ii) extends to those blocks.

Note: See also paragraph 646(gp) (NOPSEMA's advisory function).

(4) If:

- (a) the registered holder has complied with the requirements mentioned in paragraphs (3)(a) to (f); and
- (b) in the case of an application for consent to surrender a greenhouse gas injection licence as to all of the blocks in relation to which the licence is in force—the requirement mentioned in paragraph (3)(g) has been met; and
- (c) in the case of an application for consent to surrender a greenhouse gas injection licence as to some of the blocks in

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Part 3.10 Surrender of titles

Division 1 Surrender of greenhouse gas assessment permits, greenhouse gas holding leases and greenhouse gas injection licences

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relation to which the licence is in force—the requirement mentioned in paragraph (3)(h) has been met;
the responsible Commonwealth Minister must not unreasonably refuse consent to the surrender.

- (5) Paragraph (3)(e) has effect subject to:
- (a) this Chapter; and
 - (b) Chapter 6; and
 - (c) the regulations.
- (6) In attaining a state of satisfaction for the purposes of paragraph (3)(d), the responsible Commonwealth Minister must have regard to the principle that plugging or closing off wells should be carried out in a way that minimises damage to the petroleum-bearing qualities of geological formations.

Sufficient grounds

- (7) Despite subsection (3), if:
- (a) any of:
 - (i) the conditions to which the permit, lease or licence is subject; or
 - (ii) the provisions of this Chapter, Chapter 5, Chapter 6 and Part 8.1; or
 - (iii) the provisions of the regulations;have not been complied with; and
 - (b) the responsible Commonwealth Minister is satisfied that there are sufficient grounds to warrant the giving of consent to the surrender sought by the application;
- the responsible Commonwealth Minister may give consent under subsection (2) to the surrender sought by the application.

Work-bid greenhouse gas assessment permit—compliance with work condition

- (8) For the purposes of this section, if:
-

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- (a) the application for consent relates to a work-bid greenhouse gas assessment permit; and
 - (b) a condition of the permit requires the registered holder to carry out specified work during a period specified in the permit; and
 - (c) the application is made during such a period;
- the registered holder of the permit is taken not to have complied with the condition unless the holder has completed the work specified for the period mentioned in paragraph (c).

Surrender area

- (9) For the purposes of this section, the **surrender area** is worked out using the table:

Surrender area		
Item	In the case of a surrender of...	the <i>surrender area</i> is...
1	a greenhouse gas assessment permit	the permit area.
2	a greenhouse gas holding lease	the lease area.
3	a greenhouse gas injection licence	the area constituted by the blocks as to which the licence is proposed to be surrendered.

443 Surrender of title*Scope*

- (1) This section applies if the responsible Commonwealth Minister consents under section 442 to:
- (a) the surrender of a greenhouse gas assessment permit; or
 - (b) the surrender of a greenhouse gas holding lease; or

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- (c) the surrender, in whole or in part, of a greenhouse gas injection licence.

Surrender

- (2) The registered holder of the permit, lease or licence may, by written notice given to the responsible Commonwealth Minister, surrender:
- (a) in the case of a permit or lease—the permit or lease; or
 - (b) in the case of a licence—the whole or the part, as the case may be, of the licence.

When surrender takes effect

- (3) The surrender takes effect on the day on which notice of the surrender is published in the *Gazette*.

Division 2—Surrender of greenhouse gas search authorities and greenhouse gas special authorities

444 Surrender of greenhouse gas search authority

The registered holder of a greenhouse gas search authority may, by written notice given to the responsible Commonwealth Minister, surrender the greenhouse gas search authority.

445 Surrender of greenhouse gas special authority

The registered holder of a greenhouse gas special authority may, by written notice given to the responsible Commonwealth Minister, surrender the greenhouse gas special authority.

Part 3.11—Cancellation of titles

Division 1—Cancellation of greenhouse gas assessment permits, greenhouse gas holding leases and greenhouse gas injection licences

446 Grounds for cancellation of title

For the purposes of this Division, each of the following is a ground for cancelling a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence:

- (a) the registered holder has not complied with a condition to which the permit, lease or licence is subject;
- (b) the registered holder has not complied with a direction given to the holder by the responsible Commonwealth Minister, NOPSEMA or the Titles Administrator under this Chapter, Chapter 6 or Part 8.1;
- (c) the registered holder has not complied with a provision of:
 - (i) this Chapter; or
 - (ii) Chapter 5; or
 - (iii) Chapter 6; or
 - (iv) Part 8.1; or
 - (v) the regulations;
- (d) the registered holder has not paid an amount payable by the holder under:
 - (i) this Act; or
 - (ii) section 10E of the Regulatory Levies Act;within the period of 90 days after the day on which the amount became payable;
- (e) in the case of a greenhouse gas injection licence:
 - (i) if a single identified greenhouse gas storage formation is wholly situated in the licence area—the declaration

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under section 312 that relates to the identified
greenhouse gas storage formation is revoked under
section 314; or

- (ii) if 2 or more identified greenhouse gas storage
formations are wholly situated in the licence area—each
of the declarations under section 312 that relate to those
identified greenhouse gas storage formations is revoked
under section 314;
- (f) in the case of a greenhouse gas holding lease:
 - (i) if a single identified greenhouse gas storage formation is
wholly situated in the lease area—the declaration under
section 312 that relates to the identified greenhouse gas
storage formation is revoked under section 314; or
 - (ii) if 2 or more identified greenhouse gas storage
formations are wholly situated in the lease area—each
of the declarations under section 312 that relate to those
identified greenhouse gas storage formations is revoked
under section 314.

447 Cancellation of title

- (1) The table has effect:

Cancellation		
Item	If there is a ground for cancelling...	the responsible Commonwealth Minister may, by written notice given to the registered holder,...
1	a greenhouse gas assessment permit	cancel the permit.
2	a greenhouse gas holding lease	cancel the lease.
3	a greenhouse gas injection licence	cancel the licence.

Note: Consultation procedures apply—see section 448.

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Part 3.11 Cancellation of titles

Division 1 Cancellation of greenhouse gas assessment permits, greenhouse gas holding leases and greenhouse gas injection licences

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- (2) In exercising a power conferred by subsection (1), the responsible Commonwealth Minister must take into account any action taken by the registered holder:
 - (a) to remove the ground of cancellation; or
 - (b) to prevent the recurrence of similar grounds.
- (3) A cancellation takes effect on the day on which notice of the cancellation is published in the *Gazette*.

448 Consultation

- (1) Before making a decision under subsection 447(1), the responsible Commonwealth Minister must:
 - (a) by written notice given to the registered holder, give at least 30 days notice of the responsible Commonwealth Minister's intention to make the decision; and
 - (b) give a copy of the notice to such other persons (if any) as the responsible Commonwealth Minister thinks fit.
- (2) The notice must:
 - (a) set out details of the decision that is proposed to be made; and
 - (b) set out the reasons for the proposal; and
 - (c) invite a person to whom the notice, or a copy of the notice, has been given to make a written submission to the responsible Commonwealth Minister about the proposal; and
 - (d) specify a time limit for making that submission.
- (3) In deciding whether to make the decision, the responsible Commonwealth Minister must take into account any submissions made in accordance with the notice.

449 Cancellation of title not affected by other provisions

Cancellation on ground of non-compliance

(1) If:

- (a) the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence has not complied with a provision of:
 - (i) this Chapter; or
 - (ii) Chapter 5; or
 - (iii) Chapter 6; or
 - (iv) Part 8.1; or
 - (v) the regulations; and
- (b) the holder has been convicted of an offence relating to that non-compliance;

the responsible Commonwealth Minister may exercise a power of cancellation under subsection 447(1) on the ground of that non-compliance, even though the holder has been convicted of that offence.

(2) If:

- (a) a person who was the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence has not complied with a provision of:
 - (i) this Chapter; or
 - (ii) Chapter 5; or
 - (iii) Chapter 6; or
 - (iv) Part 8.1; or
 - (v) the regulations; and
- (b) the responsible Commonwealth Minister has exercised a power of cancellation under subsection 447(1) on the ground of that non-compliance;

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the person may be convicted of an offence relating to the non-compliance, even though the responsible Commonwealth Minister has exercised that power of cancellation.

Cancellation on ground of non-payment

(3) If:

- (a) the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence has not paid an amount payable by the holder under:
 - (i) this Act; or
 - (ii) section 10E of the Regulatory Levies Act;within the period of 90 days after the day on which the amount became payable; and

(b) either:

- (i) judgment for the amount has been obtained; or
- (ii) the amount, or any part of the amount, has been paid or recovered;

the responsible Commonwealth Minister may exercise a power of cancellation under subsection 447(1) on the ground of that non-payment, even though:

- (c) judgment for the amount has been obtained; or
- (d) the amount, or a part of the amount, has been paid or recovered.

(4) If:

- (a) a person who was the registered holder of a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence has not paid an amount payable by the person under:
 - (i) this Act; or
 - (ii) section 10E of the Regulatory Levies Act;within the period of 90 days after the day on which the amount became payable; and

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- (b) the responsible Commonwealth Minister has exercised a power of cancellation under subsection 447(1) on the ground of that non-payment;
- the person continues to be liable to pay:
- (c) that amount; and
 - (d) any late payment penalty relating to that amount;
- even though the responsible Commonwealth Minister has exercised that power of cancellation.

449A NOPSEMA to notify the Titles Administrator of grounds for cancellation of title

If NOPSEMA reasonably believes that there is a ground for cancelling:

- (a) a greenhouse gas assessment permit; or
- (b) a greenhouse gas holding lease; or
- (c) a greenhouse gas injection licence;

NOPSEMA must notify the Titles Administrator of:

- (d) the belief; and
- (e) the reasons for the belief.

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Part 3.11 Cancellation of titles

Division 2 Cancellation of greenhouse gas search authorities

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Division 2—Cancellation of greenhouse gas search authorities

450 Cancellation of greenhouse gas search authority

The responsible Commonwealth Minister may, by written notice given to the registered holder of a greenhouse gas search authority, cancel the greenhouse gas search authority if the holder has breached a condition of the greenhouse gas search authority.

Part 3.12—Other provisions

451 Notification of eligible greenhouse gas storage formation

Scope

- (1) This section applies if:
- (a) a part of a geological formation is wholly situated in the permit area of a greenhouse gas assessment permit, and the permittee has reasonable grounds to suspect that that part could be an eligible greenhouse gas storage formation; or
 - (b) a part of a geological formation is wholly situated in the lease area of a greenhouse gas holding lease, and the lessee has reasonable grounds to suspect that that part could be an eligible greenhouse gas storage formation; or
 - (c) a part of a geological formation is wholly situated in the licence area of a greenhouse gas injection licence, and the licensee has reasonable grounds to suspect that that part could be an eligible greenhouse gas storage formation.

Notification

- (2) The permittee, lessee or licensee must, by written notice, inform the responsible Commonwealth Minister about the matter as soon as practicable, and in any event within 30 days, after the day on which the permittee, lessee or licensee, as the case may be, forms the relevant suspicion.
- (3) A notice under subsection (2) is not required to set out the fundamental suitability determinants of that part.
- (4) Subsection (3) has effect subject to subsections (5) and (6).
- (5) A notice under subsection (2) must be accompanied by a written statement that the permittee, lessee or licensee has reasonable grounds to suspect that the part is suitable for the permanent

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storage of a specified amount of a specified greenhouse gas substance.

- (6) If the permittee, lessee or licensee has reasonable grounds to suspect that the part could be an eligible greenhouse gas storage formation because of paragraph 21(1)(b), a notice under subsection (2) must be accompanied by a written statement describing the engineering enhancements referred to in that paragraph.

Exemption

- (7) Subsections (2), (5) and (6) do not apply to a permittee, lessee or licensee in relation to a part of a geological formation if a former holder of the permit, lease or licence, as the case may be, previously complied with that subsection in relation to the part.

Offence

- (8) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (2), (5) or (6); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 100 penalty units.

- (9) An offence against subsection (8) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

452 Notification of discovery of petroleum in greenhouse gas assessment permit area etc.

Scope

- (1) This section applies if petroleum is discovered in:
- (a) a greenhouse gas assessment permit area; or
 - (b) a greenhouse gas holding lease area; or

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- (c) a greenhouse gas injection licence area.

Notification

- (2) The permittee, lessee or licensee must inform the responsible Commonwealth Minister of the discovery before the end of the 30-day period that began on the day of completion of the well that resulted in the discovery.
- (4) Subsection (2) does not apply if the petroleum is discovered by a petroleum exploration permittee, petroleum retention lessee or petroleum production licensee.

Offence

- (5) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (2); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 100 penalty units.

- (6) An offence against subsection (5) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

452A Notification requirements—registered holders of titles

Registered holders as at commencement

- (1) If, as at the commencement of this section, a person is the registered holder, or one of the registered holders, of a greenhouse gas title, the person must:
- (a) give the Titles Administrator and NOPSEMA a written notice, in the approved form, that:
 - (i) states that the person is a registered holder of the greenhouse gas title; and

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- (ii) sets out such of the person's contact details as are required by the form; and
- (b) do so within 30 days after the commencement of this section.

Note: For *contact details*, see subsection (12).

Becoming a registered holder

- (2) If, at any time after the commencement of this section, a person becomes the registered holder, or one of the registered holders, of a greenhouse gas title, the person must:
 - (a) give the Titles Administrator and NOPSEMA a written notice, in the approved form, that:
 - (i) states that the person has become a registered holder of the greenhouse gas title; and
 - (ii) sets out such of the person's contact details as are required by the form; and
 - (b) do so within 30 days after so becoming a registered holder.

Note: For *contact details*, see subsection (12).

Ceasing to be a registered holder otherwise than because of death

- (3) If, at any time after the commencement of this section, a person ceases to be the registered holder, or one of the registered holders, of a greenhouse gas title otherwise than because of the death of the person, the person must:
 - (a) notify the Titles Administrator and NOPSEMA, in writing, of the cessation; and
 - (b) do so within 30 days after the cessation.

Death of a registered holder

- (4) If, at any time after the commencement of this section, a person who is the registered holder, or one of the registered holders, of a greenhouse gas title dies, the person's legal personal representative must:
 - (a) notify the Titles Administrator and NOPSEMA, in writing, of the death; and

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- (b) do so within 30 days after the death.

Change of contact details of registered holder

- (5) If:

- (a) a person is the registered holder, or one of the registered holders, of a greenhouse gas title; and
- (b) the person has given a notice under:
 - (i) subsection (1); or
 - (ii) subsection (2); or
 - (iii) this subsection;that sets out one or more contact details of the person; and
- (c) any or all of those contact details have changed;

the person must:

- (d) give the Titles Administrator and NOPSEMA a written notice, in the approved form, that:
 - (i) states that the relevant contact details have changed; and
 - (ii) sets out the changed contact details; and
- (e) do so within 30 days after the change.

Note: For *contact details*, see subsection (12).

Publication of approved form

- (6) The Titles Administrator must publish on the Department's website a form approved for the purposes of subsection (1), (2) or (5).

Offence

- (7) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (1), (2), (3), (4) or (5); and
 - (b) the person omits to do an act; and
 - (c) the omission breaches the requirement.

Penalty: 50 penalty units.

- (8) An offence against subsection (7) is an offence of strict liability.
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Note: For strict liability, see section 6.1 of the *Criminal Code*.

Civil penalty

- (9) A person is liable to a civil penalty if the person contravenes a requirement under subsection (2), (3), (4) or (5).

Civil penalty: 90 penalty units.

Continuing offences and continuing contraventions of civil penalty provisions

- (10) The maximum penalty for each day that an offence under subsection (7) continues is 10% of the maximum penalty that can be imposed in respect of that offence.

Note: Subsection (7) is a continuing offence under section 4K of the *Crimes Act 1914*.

- (11) The maximum civil penalty for each day that a contravention of subsection (9) continues is 10% of the maximum civil penalty that can be imposed in respect of that contravention.

Note: Subsection (9) is a continuing civil penalty provision under section 93 of the Regulatory Powers Act.

Definitions

- (12) In this section:

approved means approved, in writing, by the Titles Administrator and the Chief Executive Officer of NOPSEMA.

contact details of a person includes the following:

- (a) the person's name;
- (b) the address of:
 - (i) the place of residence or business of the person; or
 - (ii) if the person is a body corporate—the head office, a registered office or a principal office of the body corporate;
- (c) the person's telephone number;

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- (d) the person's fax number (if any);
- (e) the person's email address;
- (f) if the person is a body corporate that has an ACN (within the meaning of the *Corporations Act 2001*)—the ACN.

greenhouse gas title means:

- (a) a greenhouse gas assessment permit; or
- (b) a greenhouse gas holding lease; or
- (c) a greenhouse gas injection licence; or
- (d) a greenhouse gas search authority; or
- (e) a greenhouse gas special authority.

453 Disposing of waste or other matter

- (1) A person commits an offence if:
 - (a) the person adds waste or other matter to a greenhouse gas substance; and
 - (b) the person does so with the intention of disposing of the waste or other matter; and
 - (c) the person, or another person, injects the resulting mixture into the seabed or subsoil of an offshore area.

Penalty: Imprisonment for 5 years.

- (2) Subsection (1) does not apply if:
 - (a) the waste or other matter resulted from petroleum recovery operations carried on under a petroleum production licence; and
 - (b) the injection takes place at a well situated in the licence area of the petroleum production licence; and
 - (c) the injection is carried out:
 - (i) with the written consent of the responsible Commonwealth Minister or NOPSEMA; and
 - (ii) in accordance with the conditions (if any) specified in that consent.

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Note: The defendant bears an evidential burden in relation to the matters in subsection (2)—see subsection 13.3(3) of the *Criminal Code*.

Consents

- (3) The responsible Commonwealth Minister or NOPSEMA may:
- (a) refuse to give a consent under subsection (2); or
 - (b) make a consent under subsection (2) subject to such conditions as are specified in the consent.

454 Additional securities etc.

Additional security

- (1) If:
- (a) one or more securities are in force in relation to:
 - (i) a greenhouse gas assessment permit; or
 - (ii) a greenhouse gas holding lease; or
 - (iii) a greenhouse gas injection licence; and
 - (b) the responsible Commonwealth Minister is satisfied that the total amount of the securities is insufficient;
- the responsible Commonwealth Minister may give the permittee, lessee or licensee a written notice:
- (c) requiring the permittee, lessee or licensee to lodge with the responsible Commonwealth Minister, within 60 days after the giving of the notice, an additional security in respect of compliance with the applicable statutory obligations by the registered holder for the time being of the permit, lease or licence; and
 - (d) specifying the form and amount of the additional security.
- (1A) If, in the performance of its functions or the exercise of its powers, NOPSEMA becomes aware of circumstances that:
- (a) relate to:
 - (i) the registered holder of a greenhouse gas assessment permit; or

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(ii) the registered holder of a greenhouse gas holding lease;
or

(iii) the registered holder of a greenhouse gas injection
licence; and

(b) may make it appropriate for the responsible Commonwealth
Minister to require the registered holder to lodge an
additional security under subsection (1);

NOPSEMA may inform the responsible Commonwealth Minister
of those circumstances.

New security

(2) If:

(a) a greenhouse gas assessment permit, greenhouse gas holding
lease or greenhouse gas injection licence is in force; and

(b) no security is in force in relation to the permit, lease or
licence; and

(c) the responsible Commonwealth Minister is satisfied that it
would be appropriate to require the lodgment of a security in
respect of compliance with the applicable statutory
obligations by the registered holder for the time being of the
permit, lease or licence;

the responsible Commonwealth Minister may give the permittee,
lessee or licensee a written notice:

(d) requiring the permittee, lessee or licensee to lodge with the
responsible Commonwealth Minister, within 60 days after
the giving of the notice, a security in respect of compliance,
by the registered holder for the time being of the permit,
lease or licence, with the applicable statutory obligations; and

(e) specifying the form and amount of the security.

(2A) If, in the performance of its functions or the exercise of its powers,
NOPSEMA becomes aware of circumstances that:

(a) relate to:

(i) the registered holder of a greenhouse gas assessment
permit; or

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- (ii) the registered holder of a greenhouse gas holding lease; or
- (iii) the registered holder of a greenhouse gas injection licence; and
- (b) may make it appropriate for the responsible Commonwealth Minister to require the registered holder to lodge a security under subsection (2);

NOPSEMA may inform the responsible Commonwealth Minister of those circumstances.

Statutory obligations

- (3) For the purposes of this section, the ***applicable statutory obligations*** are as follows:
 - (a) the obligation of the registered holder to comply with a condition to which the permit, lease or licence is subject;
 - (b) the obligation of the registered holder to comply with a direction given to the registered holder by the responsible Commonwealth Minister, NOPSEMA or the Titles Administrator under this Chapter, Chapter 6 or Part 8.1;
 - (c) the obligation of the registered holder to comply with the provisions of:
 - (i) this Chapter; or
 - (ii) Chapter 5; or
 - (iii) Chapter 6; or
 - (iv) Part 8.1; or
 - (v) the regulations.

455 Transfer of securities

If:

- (a) a security is in force in relation to:
 - (i) a greenhouse gas assessment permit; or
 - (ii) a greenhouse gas holding lease; or
 - (iii) a greenhouse gas injection licence; and

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- (b) a transfer of the permit, lease or licence is registered under section 530;

then:

- (c) the interest of the transferor in the security is, by force of this section, transferred to the transferee; and
- (d) a document setting out or relating to the security has effect, after the transfer, as if a reference in the document to the transferor were a reference to the transferee.

456 Discharge of securities

The regulations may make provision in relation to the discharge, in whole or in part, by the responsible Commonwealth Minister of securities in force in relation to:

- (a) greenhouse gas assessment permits; or
- (b) greenhouse gas holding leases; or
- (c) greenhouse gas injection licences.

457 Approved site plans

- (1) The regulations may provide that a greenhouse gas injection licensee must not carry on any operations in relation to an identified greenhouse gas storage formation specified in the licence unless an approved site plan is in force in relation to the formation.
- (2) The regulations may provide that, if an approved site plan is in force in relation to an identified greenhouse gas storage formation specified in a greenhouse gas injection licence, the licensee must comply with the approved site plan.

Approval

- (3) The regulations may make provision for the responsible Commonwealth Minister to approve draft site plans.

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Duration

- (4) The regulations may provide that, if the responsible Commonwealth Minister approves a draft site plan, the approved site plan:
 - (a) comes into force at the time of the approval; and
 - (b) remains in force:
 - (i) if, under the regulations, the responsible Commonwealth Minister withdraws approval of the approved site plan—until the withdrawal; or
 - (ii) otherwise—indefinitely.

Withdrawal of approval

- (5) The regulations may make provision for the responsible Commonwealth Minister to withdraw approval of approved site plans.

Variation of approved site plans

- (6) The regulations may make provision for and in relation to the variation of approved site plans.
- (7) Regulations made for the purposes of subsection (6) may:
 - (a) require the registered holder of a greenhouse gas injection licence to prepare a draft variation of an approved site plan:
 - (i) periodically; or
 - (ii) in such circumstances as are specified in the regulations; or
 - (iii) when required to do so by the responsible Commonwealth Minister; and
 - (b) require the registered holder of a greenhouse gas injection licence to give the draft variation to the responsible Commonwealth Minister; and
 - (c) make provision for the responsible Commonwealth Minister to approve the variation; and

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- (d) provide that, if the responsible Commonwealth Minister approves the variation, the approved site plan is varied accordingly.
- (8) If an approved site plan is varied, a reference in this Act to the approved site plan is a reference to the approved site plan as varied.

458 Co-existence of greenhouse gas titles and petroleum titles

- (1) This Act does not prevent:
 - (a) a greenhouse gas assessment permit; or
 - (b) a greenhouse gas holding lease; or
 - (c) a greenhouse gas injection licence; or
 - (d) a greenhouse gas search authority; or
 - (e) a greenhouse gas special authority;from being in force over the whole or a part of an area in respect of which any of the following is in force:
 - (f) a petroleum exploration permit;
 - (g) a petroleum retention lease;
 - (h) a petroleum production licence;
 - (i) a petroleum special prospecting authority;
 - (j) a petroleum access authority.
- (2) This Act does not prevent:
 - (a) a petroleum exploration permit; or
 - (b) a petroleum retention lease; or
 - (c) a petroleum production licence; or
 - (d) a petroleum special prospecting authority; or
 - (e) a petroleum access authority;from being in force over the whole or a part of an area in respect of which any of the following is in force:
 - (f) a greenhouse gas assessment permit;
 - (g) a greenhouse gas holding lease;
 - (h) a greenhouse gas injection licence;

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- (i) a greenhouse gas search authority;
- (j) a greenhouse gas special authority.

459 Reservation of blocks

- (1) If the following conditions are satisfied in relation to a particular block:
 - (a) there is no greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence over the block;
 - (b) there is no place in the block that is an infrastructure licence area;
 - (c) there is no pipeline over or in the block;
 - (d) there are no pending applications for the grant of a greenhouse gas assessment permit or greenhouse gas injection licence over the block;
 - (e) there are no pending applications for the grant of an infrastructure licence relating to a place in the block;
 - (f) there are no pending applications for the grant of a pipeline licence relating to a pipeline, or proposed pipeline, over or in the block;the responsible Commonwealth Minister may, by notice published in the *Gazette*, declare that:
 - (g) the block is not to be the subject of a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas search authority or greenhouse gas special authority; and
 - (h) an infrastructure licence is not to be granted in relation to a place within the block; and
 - (i) a pipeline licence is not to be granted in relation to a pipeline over or in the block.
- (2) If a declaration under subsection (1) is in force in relation to a block:
 - (a) a greenhouse gas assessment permit, greenhouse gas holding lease, greenhouse gas injection licence, greenhouse gas

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search authority or greenhouse gas special authority must not be granted over that block; and

- (b) an infrastructure licence must not be granted in relation to a place within that block; and
- (c) a pipeline licence must not be granted in relation to a pipeline over or in that block.

(3) Subsection (2) has effect despite any other provision of this Act.

460 Interference with other rights

Scope

- (1) This section applies to the following:
 - (a) a greenhouse gas assessment permit;
 - (b) a greenhouse gas holding lease;
 - (c) a greenhouse gas injection licence;
 - (d) a greenhouse gas search authority;
 - (e) a greenhouse gas special authority;
 - (f) a greenhouse gas research consent.

Requirement

- (2) A person (the **first person**) carrying on activities in an offshore area under the permit, lease, licence, authority or consent must carry on those activities in a manner that does not interfere with:
 - (a) navigation; or
 - (b) fishing; or
 - (c) the conservation of the resources of the sea and seabed; or
 - (d) any activities of another person being lawfully carried on by way of:
 - (i) exploration for, recovery of or conveyance of a mineral (other than petroleum); or
 - (ii) construction or operation of a pipeline; or
 - (e) the enjoyment of native title rights and interests (within the meaning of the *Native Title Act 1993*);

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to a greater extent than is necessary for the reasonable exercise of the rights and performance of the duties of the first person.

Offence

- (3) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (2); and
 - (b) the person engages in conduct; and
 - (c) the person's conduct breaches the requirement.

Penalty: 100 penalty units.

- (4) An offence against subsection (3) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

461 No conditions about payment of money

There must not be included in:

- (a) a greenhouse gas assessment permit; or
- (b) a greenhouse gas holding lease; or
- (c) a greenhouse gas injection licence;

a condition requiring the payment of money to the responsible Commonwealth Minister or the Commonwealth.

462 Certain portions of blocks to be blocks

Scope

- (1) This section applies if the area in relation to which a title is in force includes one or more portions of a section 33 block.

Note: This would be the case if the boundaries of a title area do not conform to the graticular system established by this Act.

Portion of a block to be a block

- (2) For the purposes of this Act:

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- (a) the area of that portion or those portions constitutes a block (a **type A block**); and
- (b) the area of the remaining portion or portions of the section 33 block (but not including any part of that area in relation to which another title is in force) constitutes a block (a **type B block**).

Amalgamation of portions of blocks

- (3) If a title ceases to be in force in relation to a type A block (the **first type A block**), the responsible Commonwealth Minister may, by written instrument, if the responsible Commonwealth Minister considers it desirable to do so, determine that the first type A block be amalgamated with:
 - (a) another type A block or blocks, so long as the following conditions are satisfied in relation to the other type A block or blocks:
 - (i) the other type A block or blocks form part of the graticular section of which the first type A block forms part;
 - (ii) a greenhouse gas assessment permit, greenhouse gas holding lease or greenhouse gas injection licence is in force in relation to the other type A block or blocks; or
 - (b) both:
 - (i) another type A block or blocks covered by paragraph (a); and
 - (ii) a type B block that forms part of the graticular section of which the first type A block forms part.
- (4) If a determination is made under subsection (3), then, for the purposes of this Act:
 - (a) the blocks the subject of the determination cease to constitute blocks; and
 - (b) the areas of those blocks together constitute a block; and
 - (c) the block constituted as a result of the determination is, subject to this Act, for the remainder of the term of the

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permit, lease or licence concerned, a block in relation to which the permit, lease or licence is in force.

- (5) The responsible Commonwealth Minister must not make a determination under subsection (3) except with the consent of the permittee, lessee or licensee concerned.

Definitions

- (6) In this section:

section 33 block means a block constituted as provided by section 33.

title means:

- (a) a greenhouse gas assessment permit; or
- (b) a greenhouse gas holding lease; or
- (c) a greenhouse gas injection licence; or
- (d) a prescribed instrument.

463 Changes to the boundary of the coastal waters of a State or Territory

Change to coastal waters boundary results in an area ceasing to be within the offshore area of a State or Territory

- (1) If:
- (a) a Commonwealth title has been granted on the basis that an area (the **first area**) is within the offshore area of a State or the Northern Territory; and
 - (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the first area:
 - (i) ceases to be within the offshore area of the State or Territory; and
 - (ii) falls within the coastal waters of the State or Territory;
- this Act applies in relation to the Commonwealth title as if the first area were still within the offshore area in relation to the State or Territory.

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- (2) Subsection (1) continues to apply to the first area only while the Commonwealth title remains in force.

Change to coastal waters boundary results in an area ceasing to be within the coastal waters of a State or Territory

- (3) If:
- (a) a State/Territory title has been granted by a State or the Northern Territory on the basis that an area (the **second area**) is within the coastal waters of the State or Territory; and
 - (b) as a result of a change to the boundary of the coastal waters of the State or Territory, the second area:
 - (i) ceases to be within the coastal waters of the State or Territory; and
 - (ii) falls within the offshore area of the State or Territory;
- then, so far as the State/Territory title is concerned, this Act does not apply to the second area.
- (4) Subsection (3) continues to apply to the second area only while the State/Territory title remains in force.

Definitions

- (5) In this section:

Commonwealth title means:

- (a) a greenhouse gas assessment permit; or
- (b) a greenhouse gas holding lease; or
- (c) a greenhouse gas injection licence.

State/Territory title means an instrument under a law of a State or the Northern Territory that confers, in relation to the coastal waters of the State or Territory, some or all of the rights that a Commonwealth title confers in relation to the offshore area of the State or Territory.

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464 Commonwealth may monitor the behaviour of a greenhouse gas substance stored in a part of a geological formation

- (1) The Commonwealth may carry out in an offshore area operations for the purposes of monitoring the behaviour of a greenhouse gas substance stored in a part of a geological formation.
- (2) Subsection (1) does not limit the executive power of the Commonwealth.

465 Monitoring information may be made publicly available

Scope

- (1) This section applies to information that:
 - (a) is held by the Commonwealth; and
 - (b) relates to the monitoring of the behaviour of a greenhouse gas substance stored in a part of a geological formation, where the part is wholly or partly situated in one or more offshore areas.

Information may be made publicly available

- (2) The regulations may authorise the responsible Commonwealth Minister to make the information publicly available.